June 24, 1985

THE NEW YORKER

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GOINGS ON ABOUT TOWN

A CONSCIENTIOUS CALENDAR OF EVENTS OF INTEREST

THE THEATRE

PLAYS AND MUSICALS

American Theatre Exchange—The first in a series of three productions by American regional theatre companies: Heather McDonald's **faulkner's bicycle,** performed by the Yale Repertory Theatre. (Joyce, 175 Eighth Ave., at 19th St. 242-0800. Wednesday through Friday at 8, and Saturday at 9. Matinées Wednesday at 2 and Saturday at 5. Closes Saturday, June 22.)

Aren't We All?—Claudette Colbert, Rex Harrison, Leslie O'Hara, Jeremy Brett, and George Rose in a revival of Frederick Lonsdale's London drawing-room comedy of 1923. Delightful nonsense, not to be missed. (Reviewed in our issue of 5/13/85.) (Brooks Atkinson, 256 W. 47th St. 719-4099. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

Arms and the Man—A charming early Shaw comedy has been given an exaggerated, overly energetic production, directed by John Malkovich. Kevin Kline is admirable as Captain Bluntschli; the rest of the cast is showing off. (6/10/85) (Circle in the Square, 50th St. west of Broadway. 239-6200. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

As Is—This touching play by William M. Hoffman concerns a personable young homosexual who is afflicted with AIDS, and is also a documentary of sorts about his milieu in this city. The lively, impressionistic performance was directed by Marshall W. Mason, and the acting by the large cast, several of whom appear in multiple roles, is just right. With Jonathan Hogan and Jonathan Hadary. (3/25/85) (Lyceum, 149 W. 45th St. 239-6200. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

Big River—A musical version of "The Adventures of Huckleberry Finn." Twain's great novel has been respectfully dealt with in a book by William Hauptman, with music and lyrics by Roger Miller. Daniel H. Jenkins plays Huck, Ron Richardson plays Jim, and John Short plays Tom Sawyer. Heidi Landesman has provided an unusually evocative setting—somehow, she has managed to put the Mississippi River on a stage. (5/13/85) (Eugene O'Neill, 230 W. 49th St. 246-0220. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

Biloxi Blues—A comedy that verges on autohagiography, the hero being the author, Neil Simon, as a young Army draftee who, in 1943, is struggling to assume the mantle of writer. Matthew Broderick is the attractive star, and Barry Miller is superb as a young but already wizened Jewish intellectual. (4/8/85) (Neil Simon, 250 W. 52nd St. 757-8646. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2. Special performance for the Actors' Fund Sunday, June 23, at 7.)

Childhood and **For No Good Reason**—Whatever Nathalie Sarraute's contribution to French letters may be, her contribution to the theatre—as made manifest in these two one-acters adapted from her work—is zero. (Samuel Beckett, 410 W. 42nd St. 594-2826. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2:30, and Sundays at 3. Closes Sunday, June 30.)

The Cost of Living—A comedy by Yves Jamiaque, with Robert Lansing and Lucy Martin. (Judith Anderson, 422 W. 42nd St. 724-9129. Mondays through Wednesdays and Fridays and Saturdays at 8, and Sundays at 7. Matinées Sundays at 3.)

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Curse of the Starving Class—A revival of a play by Sam Shepard. (Intar, 420 W. 42nd St. 279-4200. Wednesdays through Saturdays at 8, and Sundays at 7:30. Matinées Saturdays at 2 and Sundays at 3. Closes Sunday, July 7.)

Dames at Sea—A revival of the musical by Jim Wise (score) and George Haimsohn and Robin Miller (book and lyrics). (Lambs, 130 W. 44th St. 997-1780. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

Doubles—The scene is a locker room in a tennis club in Connecticut, where four men undress and dress and undress while they talk over their more or less miserable lives. This is a comedy. The author is David Wiltse, and the four men are played by Austin Pendleton, John Cullum, Ron Leibman, and Tony Roberts. (5/20/85) (Ritz, 219 W. 48th St. 582-4022. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

The Foreigner—A very funny play by (and with) Larry Shue, with good performances by every single member of the company, most notably by Kevin Geer as a lovable half-wit. Jerry Zaks was the admirable director. Starting Tuesday, June 25, Anthony Heald will resume his original role, as the title character. (11/19/84) (Astor Place Theatre, 434 Lafayette St., near Astor Pl. 254-4370. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7. Matinées Sundays at 3.)

For Sale—There are a few amusing moments in this heavy-handed domestic farce, but not enough. (Playhouse 91, 316 E. 91st St. 831-2000. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.)

Grind—A vigorous but curiously sad musical about a burlesque house in Chicago during the depths of the Depression. Splendidly acted, under the direction of Harold Prince, by Ben Vereen, Leilani Jones, Timothy Nolen, and Stubby Kaye. The exceptionally vivid setting is by Clarke Dunham. The book is by Fay Kanin, the music by Larry Grossman, and the lyrics by Ellen Fitzhugh. (4/22/85) (Mark Hellinger, 237 W. 51st St. 757-7064. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

Hannah Senesh—A monologue based on the diaries and poems of the Zionist heroine. Lori Wilner is the monologuist. Written and directed by David Schechter, with music by Steven Lutvak, Elizabeth Swados, and Mr. Schechter. (Cherry Lane, 38 Commerce St. 989-2020. Wednesdays through Fridays at 8, and Saturdays at 7 and 10. Matinées Wednesdays at 2:30, and Sundays at 2:30 and 5:30.)

I'm Not Rappaport—Herb Gardner's rather synthetic, though often entertaining, comedy

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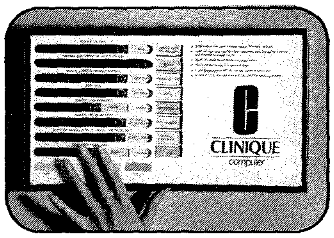

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about two old men who share a bench in Central Park is given an expert performance by Cleavon Little and Judd Hirsch. (6/17/85) (American Place, 111 W. 46th St. 869-4731. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

Joe Egg—A superb performance of Peter Nichols' matchless bleak comedy. Jim Dale and Stockard Channing are the parents of the hopelessly brain-damaged child, and they are supported by John Tillinger, Margaret Hilton, Joanna Gleason, and Tenney Walsh. Arvin Brown was the director. (1/14/85) (Longacre, 220 W. 48th St. 239-6200. Wednesday through Saturday at 8. Matinées Wednesday and Saturday at 2, and Sunday at 3. Closes Sunday, June 23.)

The King and I—Yul Brynner making what is advertised as his farewell appearance in the musical that he has made his own for several decades. An excellent production in every respect and well worth seeing, for the first or fiftieth time. (1/14/85) (Broadway Theatre, Broadway at 53rd St. 239-6200. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3. Closes Sunday, June 30.)

Ladies and Gentlemen, Jerome Kern—Delores Hall in a revue of the composer's songs written for stage and screen. (Harold Clurman, 412 W. 42nd St. 594-2370. Wednesdays through Saturdays at 8, and Sundays at 7. Matinées Saturdays and Sundays at 3.)

Leader of the Pack—A mock-musical devoted to performing two dozen songs of the early sixties written by Ellie Greenwich, who turns up in person. (4/22/85) (Ambassador, 215 W. 49th St. 239-6200. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

Lies and Legends: The Musical Stories of Harry Chapin—A musical entertainment using works by the late composer. (Village Gate, 160 Bleecker St. 473-7270. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7. Matinées Sundays at 3.)

The Lisbon Traviata—Terrence McNally's play about the end of a homosexual love affair, accompanied by operatic recordings and gossipy jokes about opera stars. Mr. McNally is a clever writer, but his bitchy dialogue soon grows tiresome. With Seth Allen. John Tillinger directed. (Theatre Off Park, 28 E. 35th St. 679-6283. Tuesdays through Fridays at 8, and Saturdays at 7 and 10.)

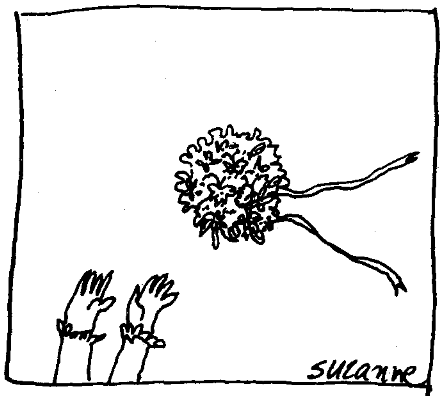
The Marriage of Bette and Boo—Christopher Durang's very funny, mordant satire on a Catholic "Marriage à la Mode," with the playwright himself as the luckless son of the couple being examined. The performance, under Jerry Zaks' direction, is absolutely first-rate. (5/27/85) (Public, 425 Lafayette St. 598-7150. Nightly, except Mondays, at 8. Matinées Saturdays and Sundays at 3.)

Mayor—A musical based on the best-seller of the same name by Edward I. Koch. With a score and lyrics by Charles Strouse and a book by Warren Leight. (Top of the Gate, 160 Bleecker St. 982-9292. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7. Matinées Sundays at 3.)

Miss Universal Happiness—A play written and directed by Richard Foreman. (Performing Garage, 33 Wooster St. 966-3651. Wednesday through Friday at 8. Matinée Saturday at 3. Closes Saturday, June 22.)

Negro Ensemble Company—A spirited revival of the fine **ceremonies in dark old men,** by Lonne Elder III, with Douglas Turner Ward again doubling as director and leading man. (6/10/85) (Theatre Four, 424 W. 55th St. 246-8545. Tuesdays through Fridays at 8; Saturdays at 8:30; and Sundays at 7. Matinées Saturdays at 3 and Sundays at 2:30. Closes Sunday, June 30.)

The Normal Heart—An interminable, trashy non-play about AIDS, and its victims in the homosexual community of this city, who are compared to the Jews under the Nazis. The names Hitler, Roosevelt, Morgenthau, and, eventually, Mayor Koch are dropped with equal contempt. The evening is an insult to its audience and, what is far more serious, to the sufferers from this dreadful, seemingly hopeless disease. (Public, 425 Lafayette St. 598-7150. Nightly, except Mondays, at 8. Matinées Saturdays and Sundays at 3.)



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The Odd Couple—Neil Simon has turned his successful comedy of twenty years ago, which was about a couple of male bachelors, into an unsuccessful comedy about a couple of female bachelors. The cast is headed by Rita Moreno and Sally Struthers. (Reviewed in this issue.) (Broadhurst, 235 W. 44th St. 239-6200. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

One Man Band—A musical starring James Lecesne, with a score by Marc Elliot and Larry Hochman, lyrics by Mr. Elliot, and a book by Mr. Lecesne. Preview Wednesday, June 19. Opens officially on Thursday, June 20, at 6:45. (South Street Theatre, 424 W. 42nd St. 279-4200. Wednesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7. Matinées Sundays at 3.)

Orphans—A melodrama, by Lyle Kessler, about two young brothers—one a street thief and pickpocket, the other an apparent dimwit—and an older mobster who takes over their house and their lives. The first act works quite well, the second is merely serviceable, but what really counts is the performance under the dynamic direction of Gary Sinise. The actors are Kevin Anderson, Terry Kinney, and John Mahoney, and the show is an import from the Steppenwolf Company of Chicago. (5/20/85) (Westside Arts, 407 W. 43rd St. 541-8394. Tuesdays through Fridays at 8, and Saturdays at 7 and 10. Matinées Wednesdays at 2 and Sundays at 3.)

Penn & Teller—A sublime combination of conjuring and comedy. Penn Jillette does the talking; Teller is silent. (5/6/85) (Westside Arts, 407 W. 43rd St. 541-8394. Wednesdays and Thursdays at 8; Fridays at 8 and 11; Saturdays at 7 and 10; and Sundays at 7. Matinées Sundays at 3.)

Rat in the Skull—The scene is a police station in London, where an Irish Catholic terrorist is questioned by two English cops and questioned and tormented and smothered in words by a member of the Royal Ulster Constabulary. The play, by Ron Hutchinson, is an import from the Royal Court Theatre; it is very well acted, under the expert direction of Max Stafford-Clark. (6/3/85) (Public, 425 Lafayette St. 598-7150. Nightly at 8. Matinées Saturday and Sunday at 3. Closes Sunday, June 23.)

The Return of Herbert Bracewell—The admirable Milo O'Shea is lightly disguised as a failed actor in his eighties, who recites speeches and scenes from the parts he never got, in this monologue with interruptions, lightly disguised as a play. Frances Sternhagen, as the actor's wife, is the tactful interrupter. Geraldine Fitzgerald directed. (6/3/85) (Chelsea Playhouse, 519 W. 23rd St. 243-0992. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.)

3 Guys Naked from the Waist Down—John Kassir, Scott Bakula, and Jerry Colker play three standup comedians who leave New York for Hollywood in this satiric and most original musical comedy. Mr. Colker wrote the book and lyrics, and Michael Rupert wrote the bountiful, engaging score. The effective scenery, costumes, and lighting were by Clarke Dunham, Tom McKinley, and Ken Billington. (2/18/85) (Minetta Lane, 18-22 Minetta Lane, east of Sixth Ave., between W. 3rd and Bleecker Sts. 420-8000. Tuesdays through Fridays at 8; Saturdays at 7 and 10:15; and Sundays at 7. Matinées Sundays at 3.)

Tracers—The eight good actors are Vietnam veterans, and the effective play is based on actual war experiences. It was conceived and directed by John DiFusco, and it is accompanied throughout by rock music. (2/4/85) (Public, 425 Lafayette St. 598-7150. Nightly, except Mondays, at 8. Matinées Wednesdays and Sundays at 3. Closes Sunday, July 7.)

The Voice of the Turtle—A revival of John van Druten's 1943 comedy, with Chris Sarandon, Patricia Elliott, and J. Smith-Cameron. (Roundabout, 100 E. 17th St. 420-1883. Tuesdays through Saturdays at 8. Matinées Wednesdays, Saturdays, and Sundays at 2.)

Long Runs—**brighton beach memoirs:** A remembrance of things past, by Neil Simon. The hero is a sex-obsessed fifteen-year-old. (46th Street Theatre, 226 W. 46th St. 221-1211. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **la cage aux folles:** A dazzling production of a musical that has little wit and a lot of phony sentimentality about the tenderhearted family life of homosexuals. The music, by Jerry Herman, is Broadway-romantic. The two stars are Van Johnson and George Hearn. (Palace, Broadway at 47th St. 757-2626. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.) . . . **cats:** Ezra Pound nicknamed T. S. Eliot "Old Possum," and under that name Eliot wrote a collection of poems about cats, and now the cats are on display on Broadway, with music by Andrew Lloyd Webber, scenery by John Napier, and direction by Trevor Nunn. (Winter Garden, Broadway at 50th St. 239-6200. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.) . . . **a chorus line:** A group of young dancers audition for a handful of chorus jobs in a show not yet in rehearsal, and by the time the evening is over we know everything about all of them. (Shubert, 225 W. 44th St. 239-6200. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.) . . . **dreamgirls:** The slickest possible production of a musical comedy whose book, music, and lyrics are almost totally lacking in character. If Michael Bennett, the director, had been a Union general, the Civil War would have lasted about twenty minutes. (Imperial, 249 W. 45th St. 239-6200. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **the fantasticks:** 10,464 performances so far. (Sullivan Street Playhouse, 181 Sullivan St., at Bleecker St. 674-3838. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.) . . . **fool for love:** Sam Shepard's play—mysterious, funny, and beautiful—is about two battling, loving lovers in a motel room at the edge of the Mojave Desert and about many other matters as well. Deborah Strang and George Gerdes have the leading roles. Mr. Shepard directed. (Douglas Fairbanks, 432 W. 42nd St. 239-4321. Tuesdays through Fridays at 8; Saturdays at 7:30 and 10; and Sundays at 8. Matinées Thursdays at 3.) . . . **42nd street:** Once upon a time there was a silly-wonderful Warner Brothers musical about a young hoofer who goes on in place of a disabled star and herself becomes a star overnight. The legitimate musical that has been fashioned from the movie musical is just as silly but by no means as wonderful. (Majestic, 245 W. 44th St. 239-6200. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **isn't it romantic:** A spirited production of Wendy Wasserstein's sometimes painful but always witty comedy about a pair of female "best friends" at age twenty-eight, and especially about the trials of one of them, Janie Blumberg. (Lucille Lortel, 121 Christopher St. 924-8782. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7. Matinées Sundays at 3.) . . . **LITTLE SHOP OF HORRORS:** Based on Roger Corman's 1960 horror quickie about a man-eating plant, this exuberant, jokey musical is wholly free of camp. The score is by Alan Menken, and Howard Ashman directed and wrote the book and lyrics. Martin P. Robinson designed the menacing plant. (Orpheum, 126 Second Ave., at 8th St. 239-6200. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.) . . . **OH! CALCUTTA!:** A collection of short sketches that purport to give us a refreshing view of sex and do not. (Edison, 240 W. 47th St. 757-7164. Mondays through Fridays at 8; Saturdays at 7 and 9:30; and Sundays at 7. Matinées Sundays at 3.) . . . **SUNDAY IN THE PARK WITH GEORGE:** Stephen Sondheim and James Lapine have invented a highly entertaining musical about Georges Seurat and his celebrated painting of the island of La Grande Jatte. Harry Groener is Seurat and Maryann Plunkett is Seurat's model and mistress. (Booth, 222 W. 45th St. 239-6200. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2, and Sunday, June 23, at 3.) . . . **THE TAP DANCE KID:** An attractive cast does much to brighten what is otherwise a curiously gloomy musical about a black family making good. (Minskoff, 45th St. west of Broadway. 869-0550. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

MISCELLANY

National Music Theatre Network—Robert Merrill, Sandy Faison, Martin Charnin, Richard Maltby, and others presenting excerpts from ten new musicals and operas. (Douglas Fairbanks, 432 W. 42nd St. Monday, June 24, at 8. For information about tickets, call 382-0984.)

Forbidden Broadway 1985—A musical satire of Shubert Alley denizens. The lyrics to the song parodies are by Gerard Alessandrini. (Palsson's Upstairs, 158 W. 72nd St. 595-7400. Tuesdays through Thursdays at 8:30; Fridays and Saturdays at 8:30 and 11:30; and Sundays at 8:30.)

DANCE

New York City Ballet—Tentative schedule of final performances of the engagement—Wednesday, June 19, at 8: "Concerto Barocco," "The Cage," "Other Dances," and "The Four Temperaments." . . . ¶ Thursday, June 20, at 8: "Square Dance," "In Memory of . . . ," and "The Four Seasons." . . . ¶ Friday, June 21, at 8: "Allegro Brillante," "Andantino," "Poulenc Sonata," and "Symphony in Three Movements." . . . ¶ Saturday, June 22, at 2: "Allegro Brillante," "Afternoon of a Faun," "Other Dances," and "Stravinsky Violin Concerto." . . . ¶ Saturday, June 22, at 8: "Concerto Barocco," "The Cage," "Andantino," and "Symphony in Three Movements." . . . ¶ Sunday, June 23, at 1: Divertimento from "Le Baiser de la Fée," "Tchaikovsky Pas de Deux," "Poulenc Sonata," and "The Four Seasons." . . . ¶ Sunday, June 23, at 7: "Concerto Barocco," "In Memory of . . . ," and "Liebeslieder Walzer." (New York State Theatre. 870-5570.)

Dance Theatre of Harlem—A two-week engagement—Wednesday through Friday, June 19-21, at 8: "Serenade," "Voluntaries," and "Firebird." . . . ¶ Saturday, June 22, at 2 and 8: "Troy Game" and "Giselle." . . . ¶ Monday and Tuesday, June 24-25, at 8: "Piano Movers" (première), "Fall River Legend," and "Stars and Stripes." . . . ¶ Wednesday, June 26, at 8: "La Mer" (New York première) and "Giselle." . . . ¶ Thursday, June 27, at 8: "Caravansarai," "A Streetcar Named Desire," and "Dougla." . . . ¶ Friday, June 28, at 8: "La Mer," "A Streetcar Named Desire," and "Caravansarai." . . . ¶ Saturday, June 29, at 2: "La Mer," "A Streetcar Named Desire," and "Stars and Stripes." . . . ¶ Saturday, June 29, at 8: "Dougla," "Fall River Legend," and "Stars and Stripes." (Metropolitan Opera House. 362-6000.)

Tango Argentino—A troupe of thirty dancers, singers, and musicians, appearing here for the first time. (City Center, 131 W. 55th St. 246-8989. Tuesday, June 25, at 7; Wednesday through Saturday, June 26-29, at 8; and Sunday, June 30, at 3 and 7:30.)

Kei Takei's Moving Earth—Final performances. (La Mama, 74A E. 4th St. 475-7710. Wednesday through Sunday, June 19-23, at 7:30.)

NIGHT LIFE

(A highly arbitrary listing, in which bold-face type is used to pick out a few of the more notable performers in town. . . . ¶ Musicians and night-club proprietors live complicated lives that are subject to last-minute change; it is therefore always advisable to call ahead.)

Algonquin Hotel, 59 W. 44th St. (840-6800)—Tuesdays through Saturdays, **JULIE WILSON,** a wonderfully convincing singer, celebrates Cole Porter Month in the Oak Room. Shows start at nine-fifteen and eleven-fifteen. Pianist Buck Buchholz occupies the Rose Room Sundays from five-thirty to eleven. Dining.

Angry Squire, 216 Seventh Ave., at 23rd St. (242-9066)—Small, narrow, chatty, and nautical. The Mark Morganelli quartet will perform Friday and Saturday, June 21-22, and the Michael Weiss foursome will appear Friday and Saturday, June 28-29. Sets at ten, eleven-thirty, and one. Dining.

Blue Note, 131 W. 3rd St., near Sixth Ave. (475-8592)—The altogether charming hot-jazz violinist **STÉPHANE GRAPPELLI** plays through Sunday, June 23, and on Tuesday, June 25, pianist **MICHEL PETRUCCIANI'S** trio and guitarist **JOHN ABERCROMBIE** will start alternating with guitarist **JIM HALL'S** trio. Monday, June 24, will belong to tenor saxophonist **LEW TABACKIN'S** All-Stars, featuring **RANDY BRECKER** on trumpet and **KENNY WASHINGTON** on drums. Music from nine. Trumpeter **TED CURSON** conducts after-hours (real late, after the last set) jam sessions every night but Monday. Dining.

Bottom Line, 15 W. 4th St., at Mercer St. (228-6300)—The oh-so-varied lineup: Thursday, June 20, the Cucumbers, the Wind, and Dan Daley; Friday and Saturday, June 21-22, Scottish folkie John Martyn and comedian Chris Rush; Sunday and Monday, June 23-24, Pieces of a Dream and Ron Darian; Tuesday, June 25, Billy Crystal; Wednesday, June 26, Lone Justice; Thursday, June 27, Carol MacDonald and Kit McClure; and Friday and Saturday, June 28-29, **NRBQ** and K.D. Lang. Shows Sundays through Thursdays at eight and eleven, and Fridays and Saturdays at eight-thirty and eleven-thirty. Dining.

Bradley's, 70 University Pl., at 11th St. (228-6440)—The jazz, in the form of duos: pianist **KIRK LIGHTSEY** and bassist **RUFUS REID** work together through Saturday, June 22; hard-bop pianist **BARRY HARRIS** and a bassist will be here on Sunday, June 23; pianist **KENNY BARRON** and a bass player have the floor on Monday, June 24; and starting Tuesday, June 25, the place will be turned over to pianist **TOMMY FLANAGAN** and bassist **GEORGE MRAZ.** Music from nine-forty-five. Dining.

Carlyle Hotel, Madison Ave. at 76th St. (744-1600)—Tuesdays through Saturdays in the Café Carlyle, **BOBBY SHORT** pays exuberant homage to Porter, Coward, Rodgers & Hart, Gershwin, and Kern, with aid from bassist **BEVERLY PEER** and drummer **ROBBIE SCOTT.** Shows at ten and midnight. **VINCE GIORDANO** & the Nighthawks play for dancing Sundays and Mondays from nine to one. Dining. . . . ¶ In the Bemelmans Bar, **BARBARA CARROLL** reigns over the keyboard and sings a bit, too. Her sets get going at ten Tuesdays through Saturdays.

CBGB & OMFUG, 315 Bowery, at Bleecker St. (982-4052)—The Bowery Institute of Rock and Roll. Monday is showcase night. Music from long after nine-thirty.

Eagle Tavern, 355 W. 14th St., at Ninth Ave. (924-0275)—Bluegrass and Irish music: Wednesday, June 19, Liam O'Flynn & Paddy Glackin; Saturday, June 22, fiddler **MATT GLASER,** with mandolinist **ANDY STATMAN** and bassist Marty Confurius; and Wednesday, June 26, Tim Britton and Gerald Trimble. There is Irish music on Mondays and Fridays. Music from eight on Wednesdays and Thursdays and from nine Mondays, Fridays, and Saturdays.

Eddie Condon's, 144 W. 54th St. (265-8277)—The surviving home on the block for traditional small-band jazz. Starting Wednesday, June 26, **BILLY BUTTERFIELD** will play trumpet with the resident musicians. Music nightly from eight-thirty. Dining.

Fat Tuesday's, 190 Third Ave., at 17th St. (533-7902)—A tribute to the Cotton Club era is in progress, with tenor saxophonist **SCOTT HAMILTON'S** quintet, trumpeter **WARREN VACHÉ,** and vocalist **MAXINE SULLIVAN,** through Sunday, June 23; on Tuesday, June 25, altoist **PHIL WOODS** will bring in his quintet. Mondays are claimed by guitarist and inventor **LES PAUL,** the Thomas Edison of reverb who was once known as Rhubarb Red. No doubt his garage and household effects and recording-studio implements will someday be found in the Smithsonian. Sets begin Sundays through Thursdays at nine, and Fridays and Saturdays at eight. Dining.

Folk City, 130 W. 3rd St., near Sixth Ave. (254-8449)—Considerably more musical than Tie City or Food City. Wednesday, June 19, the Fleshtones and the A-Bones; Thursday and Friday, June 20-21, Ferron; Saturday, June 22, a trybute to the Byrds, with Gene Clark, Michael Clarke, and later band members; Sunday, June 23, Marilyn J, Steve Weinstein, the Zoning Board, Steve Key, and Sue Krantz; Tuesday, June 25, a benefit program, with Schooner Fare, Jon Stein, and Elaine Silver; Wednesday, June 26, Peter Holsapple; Friday, June 28, Casselberry & Duprée; and Saturday, June 29, **DAVE VAN RONK.** Mondays are hootenanny nights. Shows are usually at eight-thirty and eleven-thirty.

Gregory's, 1149 First Ave., at 63rd St. (371-2220)—Wednesdays through Sundays, Alicia Sherman sings with the Peter Madsen duo; Mondays belong to pianist Baba Motta and bassist John Belzaguy; and Tuesdays belong to guitarist **CHUCK WAYNE'S** trio. All these groups begin about ten.

Hanratty's, 1754 Second Ave., at 91st St. (289-3200)—A spiffy bar and back-room restaurant with a piano in it. Tuesdays through Saturdays, the pumping, swirling **DAVE MC KENNA** is in charge. Sundays Keith MacDonald owns the keyboard, and on Mondays, you can hear **DICK HYMAN.** Music Sundays through Thursdays from eight-thirty, and Fridays and Saturdays from nine. Dining.

Knickerbocker Saloon, 33 University Pl., at 9th St. (228-8490)—A pleasant corner restaurant and bar that is crowded with good listeners

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listening to good musicians. **ROLAND HANNA** is the pianist through Saturday, June 22; on Tuesday, June 25, pianist **BILL MAYS** will start working with bassist **RON CARTER.** Music from nine-thirty.

LONE STAR CAFÉ, 61 Fifth Ave., at 13th St. (242-1664)—Folk, rock, country, blues, regional food (chili and guacamole), and regional dress (Bermuda shorts). The lineup: Wednesday and Thursday, June 19-20, **JERRY JEFF WALKER;** Friday, June 21, Beat Rodeo; Sunday and Monday, June 23-24, Irish rock singer Rory Gallagher; Tuesday, June 25, the Outlaws; Wednesday, June 26, **ROGER MC GUINN** and Aztec Two-Step; Thursday, June 27, country singer **BOBBY BARE;** Friday, June 28, the Bud Moffett band; and Saturday, June 29, the Bud Moffett band and Six Gun. Dining.

MICHAEL'S PUB, 211 E. 55th St. (758-2272)—**MILT HINTON'S** Seventy-fifth Birthday Party is underway here, with Mr. Hinton himself on bass, **BOBBY ROSENGARDEN** on drums, and a whole gang of visiting players appearing at various times. Music Tuesdays through Saturdays at nine-thirty and eleven-thirty. On Monday nights from nine-thirty to midnight, Woody Allen usually drops by to play clarinet. Dining. Closed Sundays.

MIKELL'S, 760 Columbus Ave., at 97th St. (864-8832)—The music scene here is cooler than a Columbus Avenue gelato and the music hotter than a Columbus Avenue taco. The lineup: Wednesday, June 19, jazz harpist **CORKY HALE;** Thursday, June 20, Brothers, Cousins, and Friends; Friday and Saturday, June 21-22, flutist Bobbi Humphrey; Monday, June 24, **JUMP STREET,** an R. & B. band; Tuesday, June 25, Mitch Watkins; and Friday and Saturday, June 28-29, pianist **MICHEL CAMILO** and his vibrant sextet. Music from about ten until two.

RAINBOW ROOM, 30 Rockefeller Plaza. (757-9090)—**PANAMA FRANCIS & THE SAVOY SULTANS** swing it Tuesdays through Thursdays from seven to one; Fridays and Saturdays from eight to two; and Sundays from six to midnight. Dining and dancing.

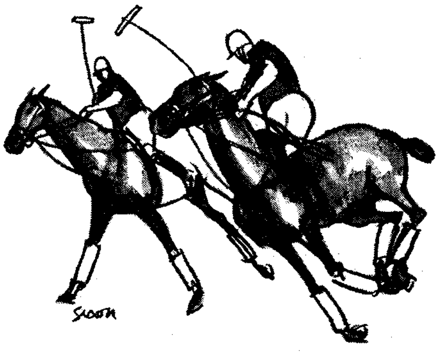
RITZ, 119 E. 11th St. (254-2800)—Rock from the eighties in a half-century-old ballroom: Friday, June 21, the Vipers and Syntax Error; Saturday, June 22, East of Eden and Foreign Legion. Shows tend to begin sometime after eleven. Dancing.

ST. REGIS-SHERATON, Fifth Ave. at 55th St. (753-4500)—Composer and pianist **JOE BUSHKIN,** who wrote "Oh! Look at Me Now," can be looked at and listened to in the King Cole Room. Shows Mondays through Thursdays at nine, and Fridays and Saturdays at nine and eleven. Dining.

SEVENTH AVENUE SOUTH, 21 Seventh Ave. S., at Leroy St. (242-4694)—Jazz and fusion: Wednesday, June 19, Vladimir Horunzhy; Thursday, June 20, pianist **JIM MC NEELY'S** trio; Friday and Saturday, June 21-22, Joe Cool; Sunday, June 23, alto saxophonist **BOB MOVER;** Monday, June 24, electric pianist **DOM SALVADOR'S** sextet; Wednesday, June 26, Othello, a steel drum band; and Thursday through Saturday, June 27-29, pianist **LARRY WILLIS.** Music from nine-thirty.

SOUNDS OF BRAZIL, 204 Varick St., at W. Houston St. (243-4940)—A great place to listen to Brazilian, Caribbean, and African music—Brazilian-jazz groups, samba bands, and all-percussion ensembles that perform *carnaval* and generally wildly rhythmic music—and it tends to be swirling, heady, wonderful stuff. On its busy weekends, the club feels like the rush hour in Rio. Wednesday and Thursday, June 19-20, reggae singer Judy Mowatt; Friday and Saturday, June 21-22, **MIKATA;** Sunday, June 23, Brazilian Energy; Wednesday, June 26, Meditations; Thursday, June 27, **KIMATI DINIZULU & THE KOTOKO SOCIETY;** and Friday and Saturday, June 28-29, **PÉ-DE-BOI.** Music from ten. Dining. Closed Mondays and Tuesdays.

SWEET BASIL, 88 Seventh Ave. S., at Bleecker St. (242-1785)—South African pianist **ABDULLAH IBRAHIM** leads **EKAYA,** his lilting septet made up of **CARLOS WARD, RICKY FORD, CHARLES DAVIS, DICK GRIFFIN, CECIL MC BEE,** and **BEN RILEY,** through Sunday, June 23; on Tuesday, June 25, bassist **CHARLIE HADEN** will arrive with his Liberation Music Orchestra. Mondays are **GIL EVANS** nights: when his experienced but unjaded **BIG BAND,** with its unmistakable Evansian blur of instruments, plays Charlie Parker tunes on top of a heavy rock beat, it sounds like bebop march music. Shows from about ten. Dining.



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TRAMPS, 125 E. 15th St. (777-5077)—A friendly, unassuming music hangout. Wednesday, June 19, rock singer and guitarist **ELLIOTT MURPHY;** Thursday and Friday, June 20-21, **CHARLES BROWN,** the smoothy R. & B. singer and red-hot piano pounder, and the Blazers; and Thursday and Friday, June 27-28, **BUCKWHEAT ZYDECO.** Music after ten.

VILLAGE GATE, 160 Bleecker St. (475-5120)—Mondays after nine are salsa nights in the barnlike downstairs room. On June 24, **MONGO SANTAMARIA, MANNY OQUENDO & CONJUNTO LIBRE,** and **DIZZY GILLESPIE,** the guest soloist, will all be *on hand. . . .* ¶ *Meanwhile, out on the Terrace,* pianist **RAY BRYANT** and a bassist perform every night but Monday after nine-thirty. And, in addition, jazz harpist **DAPHNE HELLMAN** plays Tuesdays with her combo. Sets begin at nine-thirty.

VILLAGE VANGUARD, 178 Seventh Ave. S., at 11th St. (255-4037)—People from all over the world are attracted to this famous, unpretentious basement establishment, fifty years old this year. Saxophonist **JAMES MOODY** directs a quartet through Sunday, June 23; on Tuesday, June 25, tenor saxophonists **FRANK FOSTER** and **FRANK WESS** will bring in a quintet. Monday night's tradition is the **MEL LEWIS BIG BAND.** Music after ten.

WEST END, 2911 Broadway, at 113th St. (666-8750)—Past the steam tables of piping-hot student food (Columbia University is just across Broadway), beyond the pinball machines is a room full of live jazz. **DAKOTA STATON** sings here through Sunday, June 23; Monday, June 24, is reserved for the **WALTER BOLDEN** Jazz Experience, featuring **DAVID (FATHEAD) NEWMAN;** and beginning Tuesday, June 25, saxophonist **HAROLD OUSLEY** will head a group. Music from about nine.

ZINNO, 126 W. 13th St. (924-5182)—A spacious, airy bar connected to a spacious, airy dining room by a spacious, airy passageway with tables and chairs and pianists or guitarists and bassists in it. The music schedule: guitarist **TAL FARLOW** and bassist **GARY MAZZAROPPI** through Saturday, June 22; pianist Jean Matisse and bassist **MAJOR HOLLEY** starting Tuesday, June 25; guitarist **GENE BERTONCINI** and bassist **MICHAEL MOORE** on Sundays; and pianist Jim Roberts and bassist Brian Torff every Monday. Music weeknights from eight and Sundays from seven.

JAZZ / FOLK / ROCK CONCERTS, PERSONAL APPEARANCES, ETC.

KOOL JAZZ FESTIVAL—Opening performances in a ten-day series that will be taking place in various halls around the city; on a Staten Island ferry; on a Hudson River Day Liner; in Waterloo Village, Stanhope, N.J.; and at the Performing Arts Center in Saratoga Springs. For Saratoga listings, see page 11, under Music in the Country. For information about tickets to anything, anywhere, call 787-2020. First performance on Friday, June 21, at 5: Marian McPartland, solo piano. (Carnegie Recital Hall.) . . . ¶ Friday, June 21, at 8: Miles Davis band. (Avery Fisher Hall.) . . . ¶ Friday, June 21, at 8: Ella Fitzgerald and the Paul Smith trio. (Carnegie Hall.) . . . ¶ Friday, June 21, at 8: Dizzy Gillespie quintet. (Hudson River Day Liner, Pier 81, Twelfth Ave. at 41st St.) . . . ¶ Friday, June 21, at 8: Walt Dickerson & Carmen Lundy. (St. Peter's Church, Lexington Ave. at 54th St.) . . . ¶ Saturday, June 22, from 4 to 10: "Piano Spectacular," with Dick Hyman, Jane Jarvis, Dick Wellstood, Roger Kellaway, and others. (Waterloo Village.) . . . ¶ Saturday, June 22, at 5:30: George Wallington, solo piano. (Carnegie Recital Hall.) . . . ¶ Saturday, June 22, at 8: Dave Brubeck quartet, Carmen McRae, Jon Hendricks, and others. (Avery Fisher Hall.) . . . ¶ Saturday, June 22, at 8: Paco De Lucia y Su Grupo, Tete Montoliu, and Pegasus. (Carnegie Hall.) . . . ¶ Saturday, June 22, at 8: David Murray Big Band. (Town Hall, 123 W. 43rd St.) . . . ¶ Sunday, June 23, from 1 to 9: Bucky and John Pizzarelli, Bob Haggart's Jazz Band, Dick Wellstood, and others. (Waterloo Village.) . . . ¶ Sunday, June 23, at 5:30: Dave Frishberg, solo piano. (Carnegie Recital Hall.) . . . ¶ Sunday, June 23, at 8: Stanley Clarke band and the Jeff Lorber Fusion. (Avery Fisher Hall.) . . . ¶ Sunday, June 23, at 8: A salute to Wes Montgomery, with George Benson, Larry Coryell, Ron Carter, Pepper Adams, Buddy Montgomery, and others. (Carnegie Hall.) . . . ¶ Monday, June 24, at 5: Valerie Capers duo. (Carnegie Recital Hall.) . . . ¶ Monday, June 24, at 8: A tribute to Bud Powell, with the Tommy Flanagan trio, the Arthur Taylor quartet, George Wallington, and others. (Town Hall.) . . . ¶ Tuesday, June 25, at 5: Patti Bown, solo piano. (Carnegie Recital Hall.) . . . ¶ Tuesday, June 25, at 8: A salute to John Hammond, with Stevie Ray Vaughan & Double Trouble and others. (Avery Fisher Hall.) . . . ¶ Tuesday, June 25, at 8: Sarah Vaughan and her trio, with Makoto Ozone. (Carnegie Hall.) Once again, for information about tickets to any of the above, call 787-2020.

JOANNE BRACKEEN—Carnegie Recital Hall. 247-7800. Wednesday, June 19, at 8.

PAUL YOUNG & THE ROYAL FAMILY—Beacon Theatre, Broadway at 74th St. 787-1477. Thursday, June 20, at 8.

JAKI BYARD & THE APOLLO STOMPERS—Jazz Cultural Theatre, Eighth Ave. between 28th and 29th Sts. 244-0997. Friday through Sunday, June 21-23, at 10 and midnight.

BLACK FLAG—Irving Plaza, 17 Irving Pl., at 15th St. 477-3728. Saturday, June 29, at 10.

JAZZ CENTER OF NEW YORK—Friday, June 21, at 9:30 and 11: Charli Persip & Superband. . . . ¶ Saturday, June 22, at 9:30 and 11: Barry Harris quartet. . . . ¶ Friday, June 28, at 9:30 and 11: George Coleman quartet. . . . ¶ Saturday, June 29, at 9:30 and 11: Jimmy Heath sextet, in a tribute to Charlie Parker. (380 Lafayette St. 505-5660.)

ART

(Unless otherwise noted, galleries are open Tuesdays through Saturdays from around 10 or 11 to between 5 and 6.)

GALLERIES—UPTOWN

CARROLL CLOAR—Scenes of the rural South, as it is remembered by a native. One painting shows a small child in a cart hitched to a sturdy dominique rooster. Through July 2. (Forum, 1018 Madison Ave., at 79th St. Open Mondays; closed Saturdays.)

J. MACDONALD—Paintings: Large silhouettes of human figures and animals, filled in with slashes of color laid on with a palette knife. Through July 5. (Sachs, 980 Madison Ave., at 76th St. Open Mondays; closed Saturdays.)

EGON SCHIELE (1890-1918)—Oil paintings by an Austrian Expressionist. Through July 13. (Sabarsky, 987 Madison Ave., at 77th St. Opens at noon.)

JOSEPH WHEELWRIGHT—A two-gallery show of sculptured figures whose poses were dictated by the shapes of the tree branches and small boulders from which they were made. (Stone, 48 E. 86th St. Through July 2; open Mondays; closed Saturdays. . . . ¶ Rentschler, 72 Greene St. Through July 6; closed Tuesdays.)

Joseph Yoakum (1886-1972)—Drawings by a late-blooming naïf whose early travels (and active imagination) enabled him to portray exotic mountain peaks and diagram crystal formations or volcanic activity. Through July 3. (Hirschl & Adler Modern, 851 Madison Ave., at 70th St. Open Mondays; closed Saturdays.)

Group Shows—At the **SILBERBERG,** 16 E. 79th St.: Paintings and sculptures by the Spanish artist Antoni Clavé, works on paper by the Yugoslav artist Nada Vitorovic, small sculptures by Henry Moore, and recent etchings by Francis Bacon. Through Saturday, June 29. (Open Mondays.) . . . **VANDERWOUDE TANANBAUM,** 24 E. 81st St.: Surrealist paintings and sculptures by seven young artists, Cheryl Laemmle, Mike Berg, and Nick Ghiz among them. Through July 31. (Open Mondays; closed Saturdays.) . . . **WILLARD,** 29 E. 72nd St.: Paintings and sculptures by nine gallery artists, including Lois Lane, Judith Shea, and Ken Price. Through July 12. (Open Mondays; closed Saturdays.)

Sculpture—Maquettes for outdoor public works by thirteen artists, including Athena Tacha, Eve Licea, and Harvey Weiss. Through Saturday, June 29. (Kouros, 831 Madison Ave., at 69th St.)

GALLERIES—57TH STREET AREA

Len Bellinger / Kit Keung Kan—Thickly painted, stylized abstractions based on Gothic interiors. / More or less abstract landscapes done in ink on rice paper. Through Friday, June 28. (Markel, 50 W. 57th St. Open Mondays; closed Saturdays.)

Alberto and Diego Giacometti—Elegant tables, chairs, lampstands, andirons, and so on, made of cast bronze by the sculptor and his brother. One work, by Diego alone, is a rangy, decorative ostrich whose body is an ostrich egg. Through July 26. (Marisa del Re, 41 E. 57th St. Open Mondays; closed Saturdays.)

P. S. Gordon / Cole Young—Large, precisely controlled watercolors of flowers, quilts, toys, and bric-a-brac. / Realist landscapes of Allegany State Park, with emphasis on the cumulus clouds piled up over it. Through Wednesday, June 26. (Fischbach, 24 W. 57th St. Open Mondays.)

David Hockney / Joel Perlman—Photo-collages. / Freestanding abstract welded-steel sculptures, some more than nine feet high. Through Friday, June 28. (Emmerich, 41 E. 57th St. Open Mondays; closed Saturdays.)

Oliver Johnson—Paintings, pastels, and drawings of felines. Through Aug. 30. (Felicie, 141 E. 56th St. Open Mondays; closed Saturdays.)

Gary Kahn / Catherine Koenig—Geometric forms executed in painted wood and Corten steel. / Still-life, trompe-l'oeil, and surreal paintings done in egg tempera and pastels. Through July 19. (Heidenberg, 50 W. 57th St. Closed Saturdays.)

Don Leicht—Art works either made of or painted on metal, by an artist whose father was a sheet-metal worker and who says metal "was like paper to me." Included is a cutout-and-painted-aluminum reptile with a city skyline on its belly. Through Friday, June 28. (Tilton, 24 W. 57th St.)

Kurt Schwitters (1887-1948) / **Avigdor Arikha**—Collages, assemblages, and sculptures from all periods of the artist's career in a show that complements his retrospective at the Museum of Modern Art. Through July 5. / Figurative and still-life oil paintings. Through Friday, June 21. (Marlborough, 40 W. 57th St. Open Mondays; closed Saturdays.) . . . ¶ More of Schwitters' collages are at La Boetie, 9 E. 82nd St. (Closed Saturdays.)

Janet Stayton—Monotypes from a group entitled "Flower Pieces." Through July 19. (Heesy, 50 W. 57th St. Open Mondays; closed Saturdays.)

Joanne Stryker—Outsize pastel drawings of architectural ornaments and of figures from ancient Roman friezes. Through Saturday, June 29. (Tatistcheff, 50 W. 57th St.)

Michael Torlen—Paintings of colorful, convoluted forms representing this artist's vision of the Creation. Through Friday, June 28. (Ross, 162 W. 56th St. Open Mondays; closed Saturdays.)

Group Shows—At the **ALEXANDER,** 20 W. 57th St.: Paintings and sculptures by sixteen contemporary artists, including Jonathan Borofsky, Yvonne Jacquette, Jasper Johns, and Judy Rifka. Through Saturday, June 29. . . . **BLUM HELMAN,** 20 W. 57th St.: Paintings by Bruno Ceccobelli, Jeff Gompertz, and José María Sicilia. Through July 26. . . . **DE NAGY,** 41 W. 57th St.: Figurative oil paintings by Jim Butler, David Humphrey, and Ephraim Rubenstein and sculptures by Italo Scanga. Through July 3. . . . **DAVID FINDLAY, JR.,** 41 E. 57th St.: Figure drawings by nine realists. Through July 12. (Open Mondays; closed Saturdays.) . . . **FRUMKIN,** 50 W. 57th St.: Paintings and constructed works, each based on either an outline or silhouette. Contributors to the show include Luis Cruz Azaceta, Robert Warrens, and Dan Rice. Through Aug. 16. (Open Mondays; closed Saturdays.) . . . **GALERIE ST. ETIENNE,** 24 W. 57th St.: Landscape paintings and works on paper by van Gogh, Grandma Moses, Utrillo, and other European and American artists. Through Sept. 13. (Closed Saturdays.) . . . **GETLER-PALL-SAPER,** 50 W. 57th St.: Of the six artists here, two are making their first New York appearance—Heinrich Nicolaus, a German whose paintings seem to poke fun at Borofsky, and Peter Stokolosa, a local talent, who paints small, meaty, impastoed abstractions. Through July 3. . . . **KENNEDY,** 40 W. 57th St.: Traditional American still-lifes from the eighteenth century to the twentieth. Through July 15. (Open Mondays; closed Saturdays.) . . . **ROBERT MILLER,** 724 Fifth Ave., at 57th St.: A wide selection of figurative and abstract works on paper by Henri Matisse, Georgia O'Keeffe, Janet Fish, Man Ray, and many others. Also, paintings by nonprofessionals from the private collections of professional artists. Through July 31. . . . **PEARL,** 38 E. 57th St.: Paintings, drawings, and sculptures by artists new to the gallery scene. Through Friday, June 28. (Closed Saturdays.) . . . **SCHOELKOPF,** 50 W. 57th St.: Paintings, sculptures, and works on paper by American modernists, including James Daugherty, Marsden Hartley, and Joseph Stella. Through Wednesday, June 26. (Open Mondays; closed Saturdays.) . . . **HOLLY SOLOMON,** 724 Fifth Ave., at 57th St.: More still-lifes, these from the past twenty-five years (from Milton Avery to Joe Zucker). Through July 3. (Open Mondays.) . . . **ZABRISKIE,** 724 Fifth Ave., at 57th St.: Sculptures combining metal, wood, and ceramic by Peter Briggs; large photographs of machine still-lifes by Pascal Kern; and paintings with airplane motifs by Jean-Luc Poivert. Through July 26. (Open Mondays; closed Saturdays.)

GALLERIES—SOHO

Louis Comtois—Stripe paintings on panels, which vary in size and are made of wood, plaster, cement, and metal. Through Saturday, June 29. (Meisel, 141 Prince St.)

Fred Gutzeit / Ethelyn Honig—A salon-style mounting of about a hundred paintings and sculptures from the past twenty years. / Abstract oils. Through Saturday, June 22. (55 Mercer Street Gallery.)

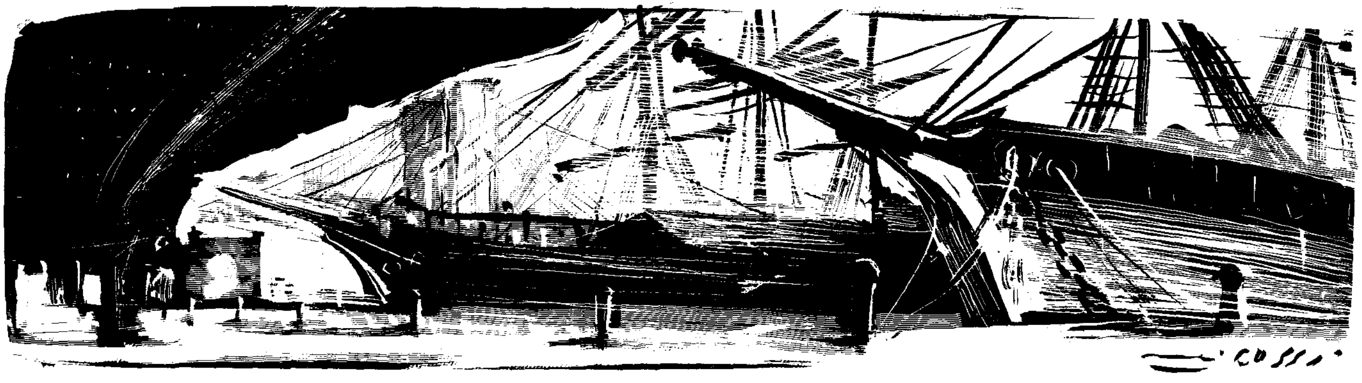
Rosemary Mayer / Joanne Howard—Translucent urnlike sculptures made of paper. / Small landscape paintings from a palette of dark colors. Through Friday, June 28. (Pam Adler, 578 Broadway.)

Roman Opalka—This Conceptualist continues his count to infinity with another series of paintings and drawings of numbers. Tape recordings of Mr. Opalka counting accompany the show. Through Saturday, June 22. (Weber, 142 Greene St.)

Masaaki Sato / Vladimir German—Life-size paintings of newsstands jammed with colorful magazines, papers, chewing gum, and candy bars. / Small Ryder-esque paintings of lonely ships at sea, done in oil on paper. Through Saturday, June 22. (O.K. Harris, 383 West Broadway.)

Alan Scarritt / Norman Tuck—An installation of abstract photographs, drawings, plaster sculptures, and electronic sounds. / Large kinetic sculptural works that are set in motion by people power—a turn of a hand crank starts a waterfall, for example. Through Saturday, June 29. (Exit Art, 578 Broadway. Opens at noon.)

Group Shows—At the **BOONE,** 417 West Broadway: The Brooklyn Academy of Music will benefit from the sale of paintings by Carroll Dunham, Elizabeth Murray, Terry Winters, and many other artists. Through Saturday, June 29. . . . **BROWN,** 100 Greene St.: An assortment of drawings by ten sculptors, Abraham David Christian, Joel Fisher, and Italo Scanga among them. Through July 26. . . . **BRYERS,** 111 Greene St.: An exhibit in which the frame has equal billing with the art work it encloses; Robert Morris, Gwenn Thomas, and Joe Zucker are among the eighteen painters and photographers represented. Through Tuesday, June 25. . . . **CONCORD,** 451 Broome St.: Contemporary artists Jessica Diamond, Ed Ruscha, and William Wegman are included in this selection of drawings, photographs, paintings, and installations which is intended to make the gallery-goer chuckle. Through July 12. . . . **COWLES,** 420 West Broadway: Abstract paintings and sculptures from 1964 to the present by twenty artists, including Lynda Benglis, Jake Berthot, Cy Twombly, Andrew Spence, and Jackie Winsor. Through July 12. . . . **CUTLER,** 164 Mercer St.: A big grab bag of small works—masks, paintings, drawings, reliefs, toys—by seventy-five artists on the way up. Through July 3. . . . **THE DRAWING CENTER,** 137 Greene St.: Drawings on loan from the Museo Correr, in Venice, which represent work done in that city from the Renaissance through the nineteenth century. Through July 27. (Open Wednesday evenings until 8.) . . . **ESMAN,** 70 Greene St.: Furniture pieces (of a sort) and objects (a bathroom scale with footprints and splotches of colored cement, for instance) by such East Village artists as Dan Friedman, Kenny Scharf, Rodney Alan Greenblatt, and



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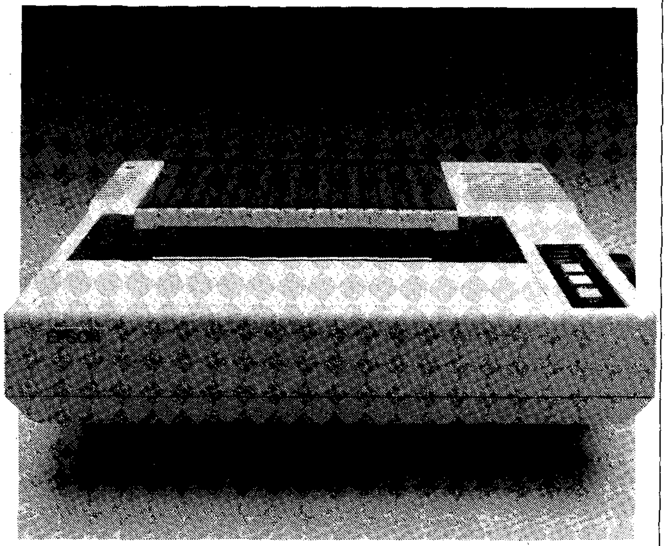

YEARS AHEAD OF THE COMPETITION

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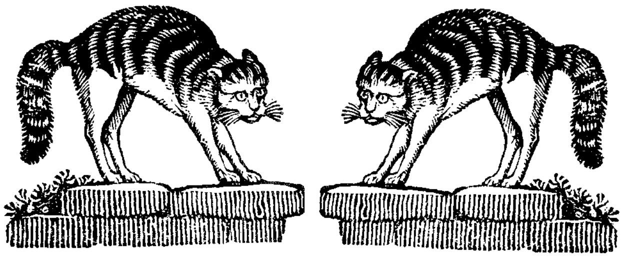

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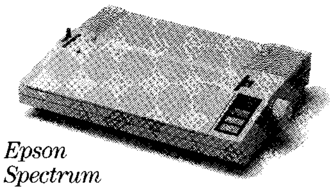
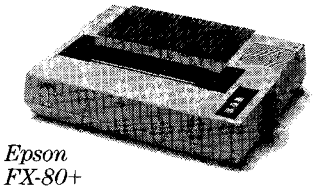
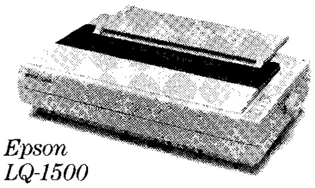


Epson Spectrum LX-80



Epson FX-80+



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Rhonda Zwillinger. Through July 3. . . . **GLADSTONE,** 152 Wooster St.: Seven artists' views of life in our times—Sue Coe's collage painting of a subway vigilante is one. Through July 26. . . . **KIND,** 136 Greene St.: A stylized painting by Roger Brown dealing with the Siberian explosion that blew trees down concentrically; a canvas, entitled "Jazz," by Archie Rand, showing an ancestral-looking trumpeter and a maiden teasing a crab with a stick; and other works. Through July 26. . . . **LITTLEJOHN-SMITH,** 133 Greene St.: Paintings and drawings by Bruce Marsh, J.-M. Haessle, and Jill Terranova. Through July 2. . . . **NOSEI,** 100 Prince St.: A multitude of doors—found doors, constructed doors, paintings of and on doors. Some of the artists: Mike Bidlo, Chuck Connelly, Karel Appel. Through July 15. (Open Mondays; closed Saturdays.) . . . **STEPHEN ROSENBERG,** 115 Wooster St.: Abstract oil paintings by Linda Besemer, Willy Heeks, Nicholas Maffei, and Claire Seidl. Through July 30. (Opens at noon.) . . . **SANDER,** 51 Greene St.: Five artists in a new-talent show of paintings and drawings. Two of them are Europeans. Through Saturday, June 29. . . . **SHAFRAZI,** 163 Mercer St.: A very big black-and-red painting by Rick Prol of a city burning while batlike demons hover overhead; surrealist landscapes by Steve Koivisto; also, new works by Samantha McEwen, James Nares, and Bruno Schmidt. Through Saturday, June 29. . . . **SOHO 20,** at 469 Broome St.: Paintings and sculptures that refer to contemporary issues, by Sue Coe, Bonnie Lucas, Howardena Pindell, Erika Rothenberg, Nancy Spero, and May Stevens. Through July 10. (Opens at noon.) . . . **THORP,** 103 Prince St.: Paintings by Gregory Crane, June Leaf, and R. L. Kaplan. Through Saturday, June 29. . . . **TOLL,** 146 Greene St.: A painting of a gigantic overturned teacup with a mirror and a set of living-room furniture inside it by Soo-Young Lee, and a painting of a gigantic head surrounded by Lilliputian figures by Nachume Miller. Gregory Botts and Christopher Wool also have works. Through Friday, June 28.

SCULPTURE—Recent pieces by Robert Grosvenor, Donald Judd, Carl Andre, Sol LeWitt, Joel Shapiro, Tony Smith, and Jackie Winsor. Through July 12. (Cooper, 155 Wooster St. Open Mondays; closed Saturdays.) . . . ¶ In the back room, Alan Shields has eighteen new works on paper, the paper being handmade, hand-dyed, perforated, laced with stitching, and framed in layers—as many as six sheets in one work.

OTHER GALLERIES

JAMES NARES—Paintings, largely abstract, of bold sinuous forms based on subjects ranging from an African firemaking drill to a rider on horseback. There is also a long scroll resembling Oriental calligraphy. Through July 6. (Fox, 56 Bleecker St., at Crosby St.)

RUSSELL SHARON—Bright-colored "people and pets" of the artist's design—the former sculpted from tree trunks with a chain saw, the latter constructed with wood strips. Through Friday, June 28. (Bromm, 90 West Broadway, at Chambers St.)

ANNE FRANK IN THE WORLD—A benefit exhibit of photographic blowups that were made from snapshots (some are of Anne Frank and her family) taken in Europe between 1929 and 1945. Also, two cases that contain pages from Anne Frank's diary. Through Wednesday, June 26. (Union Theological Seminary Chapel, Columbia University, 90 Claremont Ave., at 120th St. Open daily.)

THE RAZOR SHOW—A two-gallery exhibit of paintings, sculptures, drawings, photographs, and video honoring the old Razor Gallery, one of the first to open in SoHo (it closed in 1979). Thirty-four alumni, including Coco, Judy Pfaff, Helmut Amann, Franc Palaia, and Robert Colescott, are represented by one work from the Razor era and one current piece. Through Saturday, June 29. (Baum, 109 Hudson St. . . . ¶ Hudson Center, 105 Hudson St. Opens at noon.)

GROUP SHOWS—At the **ARTISTS SPACE,** 223 West Broadway: Installations and individual works by five artists chosen to represent Seattle, Minneapolis, Chicago, Boston, and Atlanta. Through Saturday, June 29. . . . **CITY GALLERY,** 2 Columbus Circle: Paper is the medium for three-dimensional works by Louis Lieberman, Lynn Umlauf, Kenneth Noland, Joel Fisher, and others. Through July 6. (Open Mondays.) . . . **FRANKLIN FURNACE,** 112 Franklin St.: More than three hundred artists' books, other autographic works, and periodicals added to the archives in the past year; early Gilbert and George postcards, for instance. Also, sound installations by James Green and Stephanie Rowden. Through July 27. (Opens at noon; at 1 on Saturdays.) . . . **P.P.O.W,** 216 E. 10th St.: Metal and cardboard sculptures of fish by Christy Rupp; paper collages by Nancy Spero; and figurative paintings by Andrea Evans. Through July 7. (Wednesdays through Sundays, noon to 6.) . . . **STOLER,** 13 White St.: Works by Lee Jaffe, Alan Belcher, Frank Majore, Steve Miller, and Jeffrey Pittu. Through Friday, June 28.

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NOTE—At Art Galaxy, 262 Mott St., just south of Houston St.: A hooded embrasure, accessible twenty-four hours a day from the street outside the gallery, looks in on a small-scale mountainous landscape with a waterfall and glowing volcanoes. Rainstorms occur regularly, lightning flashes, and a river races along at flood tide. The installation is the work of Kristin Jones and Andrew Ginzel. Through July 31.

PHOTOGRAPHY

JULIA MARGARET CAMERON (1815-79)—A traveling show from Great Britain of more than a hundred prints, including portraits of Carlyle, Darwin, Tennyson, and Alice (in Wonderland) Liddell. Through July 28. (International Center of Photography, 1130 Fifth Ave., at 94th St. Tuesdays, noon to 8, with no admission charge after 5; Wednesdays through Fridays, noon to 5; Saturdays and Sundays, 11 to 6.)

ANDREAS FEININGER—Experimental photographs of nature from the thirties; still-lifes from the seventies and eighties. Through Friday, June 28. (Wolf, 30 W. 57th St. Open Mondays; closed Saturdays.)

ROBERT FRANK—About sixty photographs, all taken before 1965. Through July 12. (Armstrong, 50 W. 57th St. Open Mondays; closed Saturdays.)

ANDRÉ KERTÉSZ—Vintage and modern prints of public gardens in Budapest, Paris, and New York. Through Saturday, June 29. (Harder, 37 W. 57th St. Closed Tuesdays.)

ERICA LENNARD—Photographs of India. Through Saturday, June 29. (Sonnabend, 420 West Broadway.)

MILTON ROGOVIN—A retrospective of photographs has been mounted by the Brooklyn Museum. See below, under "Museums," for dates and times.

GROUP SHOW—An exhibit of thirty-two prints underscoring the idea that the landscape compositions of early-to-mid-twentieth-century European photographers had more to do with art movements than with mountains. Through July 5. (Prakapas, 19 E. 71st St. Opens at noon; closed Saturdays.)

MUSEUMS AND LIBRARIES

METROPOLITAN MUSEUM, Fifth Ave. at 82nd St.—From the museum's collection of seventy pianos, a kind of genealogical selection—the oldest existing piano (1720), built by the instrument's inventor, Cristofori, and about thirty of its progeny; audioguides are available on which visitors can hear them being played. . . . ¶ An exhibit of a hundred gold objects produced by the prodigious craftsmen of pre-Columbian cultures of the Americas. The pieces, among them pendants, masks, and cups, are from the collection of Jan Mitchell. Through Aug. 11. . . . ¶ Pre-Columbian sculptural works by the Taíno tribes of the Dominican Republic are also on view. (Open daily except Mondays. Hours: Tuesdays through Sundays, 9:30 to 5:15, and Tuesday evenings until 8:45.)

MUSEUM OF MODERN ART, 11 W. 53rd St.—A retrospective of works by Kurt Schwitters includes a comprehensive selection of collages by one of the first artists to use that form. Complementary exhibits are at Marlborough Gallery, 40 W. 57th St., and La Boetie, 9 E. 82nd St. (The museum is open daily, except Wednesdays, 11 to 6, and Thursday evenings until 9.)

GUGGENHEIM MUSEUM, Fifth Ave. at 89th St.—The permanent collection is the main reason for a visit just now. (Open daily except Mondays. Hours: Tuesdays, 11 to 8, with no admission charge from 5 to 8; Wednesdays through Sundays, 11 to 5.)

WHITNEY MUSEUM OF AMERICAN ART, Madison Ave. at 75th St.—A selection of more than ninety of the drawings that have entered the collection over the past few years. (Open daily except Mondays. Hours: Tuesdays, 1 to 8, with no admission charge after 6; Wednesdays through Saturdays, 11 to 5; Sundays, noon to 6.)

BROOKLYN MUSEUM, Eastern Parkway—A show of photographs by Milton Rogovin. Through July 22. (Open daily except Tuesdays. Hours: Mondays and Wednesdays through Fridays, 10 to 5; Saturdays, 11 to 6; Sundays, 1 to 6.)

AMERICAN MUSEUM OF NATURAL HISTORY, Central Park W. at 79th St.—The ancient Mayan civilization is recaptured and documented in an exhibit of objects (in gold, wood, jade, and shell), plus maps and photographic blowups. Through July 28. (Open daily. Hours: Mondays, Tuesdays, Thursdays, and Sundays, 10 to 5:45; Wednesdays, 10 to 9; Fridays and Saturdays, 10 to 9, with no admission charge after 5.)

ASIA SOCIETY, 725 Park Ave., at 70th St.—A show devoted to paintings, scrolls, screens, and other works by seventeenth- to nineteenth-century Japanese artists who re-created supernatural figures in Japanese folklore—the Taoist Immortals, Shōki the Demon Queller, and Kabuki ghosts among them. Organized by the Spencer Art Museum, University of Kansas. (Open daily except Mondays. Hours: Tuesdays through Saturdays, 11 to 6; Sundays, noon to 5.)

COOPER-HEWITT MUSEUM, Fifth Ave. at 91st St.—An all-purpose exhibit about wine as a creative stimulant: Chalices, decanters, goblets, and vessels of every kind; wallpaper, prints, textiles, and other decorative objects using grapevine patterns. Also, equipment for harvesting and processing—for instance, a large copper-and-brass still from the Cognac region of France. . . . ¶ A retrospective of Chicago furniture: An 1873 dressing table by W. W. Strong for the bridal suite of the Palmer House; a 1927 skyscraper-style armchair by Abel Faidy; a 1983 green lacquer vanity by Cal Spritzer. Through Aug. 25. (Open daily except Mondays. Hours: Tuesdays, 10 to 9, with no admission charge after 5; Wednesdays through Saturdays, 10 to 5; Sundays, noon to 5.)

JAPAN HOUSE, 333 E. 47th St.—A show that reviews recent public buildings designed by Japanese architects Fumihiko Maki and Arata Isozaki, outlining their projects from conception to completion through models, drawings, blueprints, photographs, and slides. Among the structures presented are the National Museum of Modern Art in Kyoto (Maki) and the Museum of Contemporary Art in Los Angeles (Isozaki). (A local design by Mr. Isozaki is the interior of the Palladium, the recently opened night club on Fourteenth Street.) Through June 30. (Open daily, except Mondays, 11 to 5.)

Morgan Library, 29 E. 36th St.—A show of drawings and watercolors by Théodore Géricault, including fourteen preliminary studies for his best-known painting, "The Raft of the Medusa" (at the Louvre). . . . ¶ A display of memorabilia pertaining to "The Mikado," which was first performed a hundred years ago. Both shows through July 31. (Open daily except Mondays. Hours: Tuesdays through Saturdays, 10:30 to 5; Sundays, 1 to 5.)

Museum of American Folk Art, 125 W. 55th St.—High points in Southern folk art have been gathered for a show of ninety pieces, including paintings, sculptures, textiles, furniture, and pottery. Through Aug. 25. (Open daily except Mondays. Hours: Tuesdays, 10:30 to 8, with no admission charge after 5:30; Wednesdays through Sundays, 10:30 to 5:30.)

The New Museum, 583 Broadway—The forms and the language of signs (as in road signs and logos) are reflected in paintings, photographs, video, and signs of all kinds by nine artists—Al Souza, Jenny Holzer, John Knight, and Marian Galczenski among them. Through July 7. . . . ¶ A show of paintings and works on paper by Pierre Tal-Coat, a French abstractionist. Through June 30. (Open daily except Mondays and Tuesdays. Hours: Wednesdays, noon to 8; Thursdays through Sundays, noon to 6.)

ART AFTER DARK

(Performance, music, dance, video, film, and combinations thereof.)

Joseph Celli and Camus Celli—Music, video, and performance. (The Clocktower, 108 Leonard St. Thursday, June 20, at 8. . . . ¶ 22 Wooster Gallery. Friday, June 21, at 9. Admission by contribution.)

P.S. 122, 150 First Ave., at 9th St. 477-5288.—Diane Torr (performance), Friday through Sunday, June 21-23, at 9. Bill and Mary Buchen (music performance), Friday and Saturday, June 28-29, at 9 and 11, and Sunday, June 30, at 9.

MUSIC

Steven Glaser—Piano. (Merkin Concert Hall, Abraham Goodman House, 129 W. 67th St. 362-8719. Thursday, June 20, at 8.)

J. S. Bach: The Complete Organ Works—Two in a series of sixteen biweekly recitals, each performed by a different organist. (St. Paul's Chapel, Columbia University, Broadway at 116th St. Thursday, June 20, at 8: Anne Wilson. . . . Grace Church, Broadway at 10th St. Sunday, June 23, at 3: David Higgs. Admission to both concerts by contribution.) . . . ¶ The eighth in a series of thirteen recitals by Donald Joyce. (Church of St. John the Evangelist, First Ave. at 55th St. Thursday, June 20, at 8. Tickets at the door on the night of the concert.)

North/South Consonance—Linda Denham, soprano; Lauren Weiss, flute; Max Lifchitz, piano; and others in a program honoring the eighty-fifth birthday of composer Otto Luening. Mr. Luening will speak. (Christ and St. Stephen's Church, 120 W. 69th St. Thursday, June 20, at 8. Tickets at the door on the night of the concert.)

Laurie Anderson—Violinist/composer, performing her new work, "Talk Normal." (Alice Tully Hall. 362-1911. Saturday, June 22, at 8.)

Richard Tucker Music Foundation Musicale—Among the performers will be Susan Dunn, Erie Mills, Barry McCauley, and Jerry Hadley. (Alice Tully Hall. Tuesday, June 25, at 8.)

Viennese Operetta Company Orchestra—Lois Albright conducting. (Alice Tully Hall. Wednesday, June 26, at 8:30.)

Golden Fleece Ltd.—Presenting three one-act chamber operas by American composers: "Trio Sonata" (première), by Linder Chlarson; "Anne Boleyn" (première), by Jeremy Beck; and "The Family Man," by Leonard Lehrman. (TOMI, 23 W. 73rd St. Thursday and Friday, June 27-28, at 8; Saturday, June 29, at 3 and 8; and Sunday, June 30, at 3 and 7. For tickets, call 691-6105.)

New York City Gay Men's Chorus—Gary Miller directing. (Alice Tully Hall. Thursday through Saturday, June 27-29, at 8.)

Benefit Concert—Nicholas Rosen, cello; Mark Peskanov, violin; Alexander Peskanov, piano; and others. (Merkin Concert Hall, Abraham Goodman House. Wednesday, June 19, at 8.)

IN THE COUNTRY

Tanglewood Festival—Opening performances of the season, which will run through Sunday, Sept. 1. Thursday, June 27, at 8:30: The Beaux Arts Trio in an all-Beethoven program. . . . ¶ Friday, June 28, at 7: Lynn Harrell, cello. . . . ¶ Friday, June 28, at 9: Seiji Ozawa conducting the Boston Symphony in an all-Beethoven program, with André Watts, piano. . . . ¶ Saturday, June 29, at 8:30: Kent Nagano conducting, with Mr. Harrell. . . . ¶ Sunday, June 30, at 2:30: Seiji Ozawa directing, with Sylvia McNair, soprano; Malcolm Lowe, violin; and the Tanglewood Festival Chorus. (Lenox, Mass. For information about tickets, call 1-413 637-1666.)

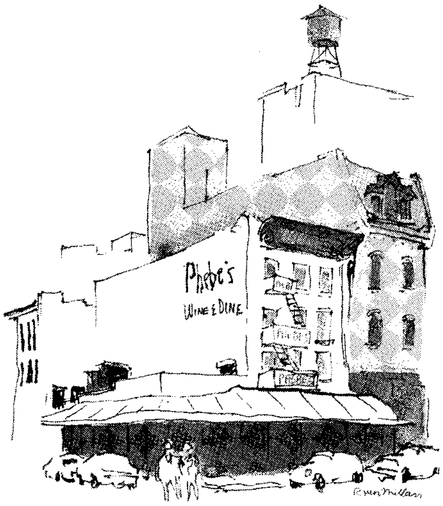
Caramoor Festival—Opening performances of the season, which will run through Sunday, Aug. 25. Saturday, June 29, at 8:30: John Nelson conducting the Orchestra of St. Luke's in an all-Beethoven program, with Rudolf Firkusny, piano. . . . ¶ Sunday, June 30, at 5:30: The Waverly Consort in a program of Renaissance music. (Katonah, N.Y. For information about tickets, call 1-914 232-5035.)

Saratoga Performing Arts Center—Saturday, June 22, at 8:15: Dan Fogelberg and the Chris Hillman Band. . . . ¶ Sunday, June 23, at 8:15: Phil Collins. . . . ¶ Monday, June 24, at 8:15: The Pointer Sisters. . . . ¶ Tuesday, June 25, at 8:15: Eric Clapton. . . . ¶ Thursday, June 27, at 8:15: The Grateful Dead. . . . ¶ Two twelve-hour offerings of the **KOOL JAZZ FESTIVAL**—Saturday, June 29, at noon: Patti Labelle, the Miles Davis band, the Wynton Marsalis quintet, the Dirty Dozen Brass Band, and others. . . . Sunday, June 30, at noon: The Dave Brubeck quartet, the Woody Herman All-Stars, Dr. John, and others. (Saratoga Springs. Through Friday, Aug. 30. For information about tickets through June 27, call 977-9020, in New York. For information about tickets to the Kool Jazz Festival, call 787-2020, in New York.)

Jacob's Pillow Dance Festival—Opening performances of the season of ballet and modern and ethnic dancing. Sunday, June 23, at 3: A benefit performance by Jean-Charles Gil & Evelyn Hart, In Hee Kim & Hoon Sook Pak, and soloists from the American Ballet Theatre, the New York City Ballet, and the Washington Ballet. . . . ¶ Tuesday through Thursday, June 25-27, at 8, and Friday and Saturday, June 28-29, at 2 and 8:30: The Bucket Dance Theatre. (Becket, Mass. For information about tickets, call 1-413 243-0745.)

SPORTS

Baseball—**METS** at Shea Stadium: Vs. Chicago, Wednesday, June 19, at 7:35, and Thursday, June 20, at 1:35. . . . ¶ Montreal, Friday, June 21, at 8:05; Saturday, June 22, at 7:35; and Sunday, June 23, at 1:35. . . . **YANKEES** at Yankee Stadium: Vs. Baltimore, Monday through Wednesday, June 24-26, at 8. . . . ¶ Milwaukee, Friday and Saturday, June 28-29, at 8.



Racing—At **BELMONT:** Daily, except Tuesdays, at 1; through Monday, July 29. The Sheepshead Bay Handicap, Saturday, June 29. (Frequent trains leave Penn Station for the track Mondays and Wednesdays through Fridays between 10:53 and 12:59, and Saturdays and Sundays between 10:58 and 1:04.) . . . **MONMOUTH PARK,** Oceanport, N.J.: Weekdays at 1:30; through Saturday, Aug. 31. . . . **ATLANTIC CITY AT GARDEN STATE PARK,** Cherry Hill, N.J.: Weeknights at 8; through Thursday, July 25.

Soccer—Cosmos vs. West German All-Stars. (Giants Stadium, the Meadowlands. Wednesday, June 19, at 7. For information about tickets, call 1-201 935-3900.)

Trotting—At **ROOSEVELT RACEWAY,** Westbury: Weeknights at 8; through Saturday, Aug. 3. . . . **SARATOGA RACEWAY,** Saratoga Springs: Tuesdays through Saturdays at 8; through Saturday, Nov. 23. . . . **MEADOWLANDS:** Weeknights at 8; through Saturday, Aug. 17.

ET ALIA

Auctions—At **SOTHEBY'S,** York Ave. at 72nd St. (Exhibition hours: Tuesdays through Saturdays, 9:30 to 5; Sundays, 1 to 5.) Wednesday, June 19, at 2: Musical instruments. . . . ¶ Thursday, June 20, at 10:15 and 2: American nineteenth- and twentieth-century paintings, drawings, and sculptures. . . . ¶ Friday, June 21, at 10:15 and 2, and Saturday, June 22, at 10:15: American Indian art. . . . ¶ Saturday, June 22, at 2: Nineteenth-century furniture, as well as decorations and works of art. . . . ¶ Tuesday, June 25, at 10:15 and 2: Japanese prints and works of art. Exhibition starts Thursday, June 20. . . . ¶ Thursday, June 27, at 10:15, and Friday, June 28, at 10:15 and 2: American furniture, folk art, and silver. Exhibition starts Saturday, June 22. . . . **CHRISTIE'S,** Park Ave. at 59th St. (Exhibition hours: Tuesdays through Saturdays, 10 to 5.) Thursday, June 27, at 10: Japanese prints. Exhibition starts Saturday, June 22. . . . ¶ Thursday, June 27, at 2: Japanese netsuke and inro. Exhibition starts Saturday, June 22.

THE GREAT OUTDOORS

New York Shakespeare Festival—Free performances of **MEASURE FOR MEASURE** will start on Friday, June 21, and run through Sunday, July 21. The first of two productions to be presented in the Delacorte Theatre this summer. (Central Park near W. 81st St. Nightly, except Mondays, at 8. For information about tickets, call 861-7277.)

Metropolitan Opera, Concert Productions—**ASTORIA PARK,** Queens: Wednesday, June 19, at 8:30 (rain date, June 20), "Manon Lescaut," with Adriana Maliponte, Vasile Moldoveanu, Vernon Hartman, and James Courtney; conducted by Nello Santi. . . . **CUNNINGHAM PARK,** Queens: Friday, June 21, at 8:30 (rain date, June 23), "Rigoletto," with Gwendolyn Bradley, Claudia Catania, John Alexander, and Aldo Protti; Richard Woitach.

Damrosch Park, Lincoln Center— A company of thirty Middle-Eastern dancers, accompanied by oud and percussion. (Saturday, June 22, at 8.) . . . ¶ Ainslee Cox conducting the Goldman Memorial Band in this summer's series of concerts, which will start on Wednesday, June 26, and run through Sunday, Aug. 4. (Wednesdays through Fridays, and Sundays, at 8.)

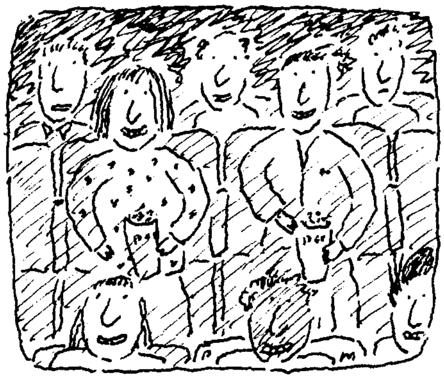
Music Festival on the Pier—Opening concerts in the Miller beer people's summer series, running through Saturday, Sept. 14. Tuesday, June 25: Dan Fogelberg and the Chris Hillman Band. . . . ¶ Thursday, June 27: Jeffrey Osborne and Whitney Houston. . . . ¶ Friday, June 28: Howard Jones and Animotion. (Pier 84, Twelfth Ave. at 45th St. Evenings at 7:30. For information about tickets, call 249-8870.)

Walking Tour—A conducted tour of Greenwich Village, sponsored by the Museum of the City of New York. Sunday, June 23, starting at the corner of Gay and Christopher Sts., at 1:30. (For information about tickets, call 534-1672.)

Brooklyn Botanic Garden—The Cranford Rose Garden is open for the season, with more than five thousand rosebushes representing six hundred varieties. (Tuesdays through Fridays, 9 to 4:30; Saturdays and Sundays, 10:30 to 4:30.)

GOINGS ON ABOUT TOWN

THE MOVIE HOUSES



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FILMS ACCOMPANIED BY A DAGGER ARE DESCRIBED IN THE "IN BRIEF" SECTION, STARTING ON PAGE 14.

EAST SIDE

Little Theatre, Public Theatre, 425 Lafayette St. (598-7171; theatre opens in the late afternoon and is closed Mondays.)
Through June 20: "Alphaville" (1965; directed by Jean-Luc Godard; in French), with Eddie Constantine, Anna Karina, and Akim Tamiroff.
June 21-23: At 4, "National Velvet" (1944; Clarence Brown), with Elizabeth Taylor and Mickey Rooney; and "Lassie Come Home" (1943; Fred M. Wilcox), with Roddy McDowall, Elizabeth Taylor, and Donald Crisp. At 8, "The Sandpiper" (1965; Vincente Minnelli), with Elizabeth Taylor, Richard Burton, Charles Bronson, and Eva Marie Saint; and "Who's Afraid of Virginia Woolf?" (1966; Mike Nichols), with Elizabeth Taylor, Richard Burton, George Segal, and Sandy Dennis.
June 25-27: "Life with Father" (†); and "The Big Hangover" (1950; Norman Krasna), with Van Johnson and Elizabeth Taylor.
From June 28: At 4: "Little Women" (1949; Mervyn Le Roy), with June Allyson and Elizabeth Taylor; and "Cynthia" (1947; Robert Z. Leonard), with Elizabeth Taylor and George Murphy. At 8, "Jane Eyre" (†) and "Ivanhoe" (†).

R.K.O. Century Art, 36 E. 8th. (473-7014)
Through June 20: "Movers and Shakers" (William Asher), with Walter Matthau and Charles Grodin.
June 21-27: "Mask" (Peter Bogdanovich), with Cher, Eric Stoltz, and Sam Elliott.
From June 28: "Pale Rider" (Clint Eastwood), with Eastwood.

St. Marks Cinema, 2nd Ave. at 8th. (533-9292)
Through June 20: "Mask" (Peter Bogdanovich), with Cher, Eric Stoltz, and Sam Elliott; and "Sixteen Candles" (1984; John Hughes), with Molly Ringwald and Paul Dooley.
From June 21: To be announced.

New Gramercy, Lexington at 23rd. (475-1660)
"Secret Admirer" (David Greenwalt), with C. Thomas Howell.

Bay Cinema, 2nd Ave. at 32nd. (679-0160)
Through June 20: "Rambo: First Blood Part II" (†).
From June 21: "Cocoon" (Ron Howard), with Don Ameche and Wilford Brimley.

Murray Hill, 160 E. 34th. (685-7652)
"The Goonies" (Richard Donner).

Loews 34th Street Showplace, 238 E. 34th. (532-5544)
Theatre 1: "A View to a Kill" (†).
Theatre 2: "D.A.R.Y.L." (Simon Wincer), with Mary Beth Hurt and Michael McKean.
Theatre 3: "Prizzi's Honor" (John Huston), with Jack Nicholson and Kathleen Turner.

34th St. East, 241 E. 34th. (683-0255)
"Perfect" (James Bridges), with John Travolta and Jamie Lee Curtis.

Eastside Cinema, 3rd Ave. at 55th. (755-3020)
"The Purple Rose of Cairo" (†).

Sutton, 3rd Ave. at 57th. (759-1411)
"Prizzi's Honor" (John Huston), with Jack Nicholson and Kathleen Turner.

Gotham Cinema, 3rd Ave. at 58th. (759-2262)
June 19: "The Killing Fields" (†).
June 20: Theatre closed.
From June 21: "Cocoon" (Ron Howard), with Don Ameche and Wilford Brimley.

Plaza, 42 E. 58th. (355-3320)
"Sylvia" (Michael Firth; a New Zealand film).

Manhattan I and 2, 3rd Ave. at 59th. (935-6420)
Theatre 1: "The Goonies" (Richard Donner).
Theatre 2: Through June 27: "The Goonies." From June 28: "Pale Rider" (Clint Eastwood), with Eastwood.

Baronet and Coronet, 3rd Ave. at 59th. (355-1663)
Theatre 1: "Perfect" (James Bridges), with John Travolta and Jamie Lee Curtis.
Theatre 2: Through June 27: "A Passage to India" (†). From June 28: "St. Elmo's Fire" (Joel Schumacher), with Emilio Estevez and Rob Lowe.

D. W. Griffith, 235 E. 59th. (759-4630)
"Witness" (†).

Cinema I and II, 3rd Ave. at 60th. (753-6022/0774)
Theatre 1: "The Shooting Party" (†). No performances on Thursday, June 27.
Theatre 2: "Movers and Shakers" (William Asher), with Walter Matthau and Charles Grodin.

Gemini I and 2, 2nd Ave. at 64th. (832-1670)
Theatre 1: Through June 20: "Amadeus" (†). From June 21: "Lifeforce" (Tobe Hooper), with Steve Railsback.
Theatre 2: "Rambo: First Blood Part II" (†).

Beekman, 2nd Ave. at 66th. (737-2622)
"Secret Admirer" (David Greenwalt), with C. Thomas Howell.

Loews New York Twin I and 2, 2nd Ave. at 67th. (744-7339)
Theatre 1: "D.A.R.Y.L." (Simon Wincer), with Mary Beth Hurt and Michael McKean.
Theatre 2: "A View to a Kill" (†).

68th St. Playhouse, 3rd Ave. at 68th. (734-0302)
"The Gods Must Be Crazy" (Jamie Uys).

Loews Tower East, 3rd Ave. at 71st. (879-1313)
"Fletch" (Michael Ritchie), with Chevy Chase.

U. A. 85th St. East, 1st Ave. at 85th. (249-5100)
Through June 20: "Desperately Seeking Susan" (†).
From June 21: "Lifeforce" (Tobe Hooper), with Steve Railsback.

Loews Orpheum I and 2, 3rd Ave. at 86th. (289-4607)
Theatre 1: "A View to a Kill" (†).
Theatre 2: Through June 20: "Brewster's Millions" (Walter Hill), with Richard Pryor and John Candy. From June 21: "Cocoon" (Ron Howard), with Don Ameche and Wilford Brimley.

86th St. East, 3rd Ave. at 86th. (249-1144)
Through June 20: "Beverly Hills Cop" (†).
From June 21: "Brewster's Millions" (Walter Hill), with Richard Pryor and John Candy.

R.K.O. Century 86th St. Twin, Lexington at 86th. (289-8900)
Theatre 1: "The Goonies" (Richard Donner).
Theatre 2: "Rambo: First Blood Part II" (†).

WEST SIDE

Film Forum I and 2, 57 Watts St. (431-1590; Mondays through Fridays, theatre opens in the late afternoon.)
Theatre 1: Through June 25: "White Elephant" (1984; directed by Werner Grusch), with Peter Firth. From June 26: "A Man Like Eva" (1983; Radu Gabrea; in German), with Eva Mattes.
Theatre 2: Through June 20: "Lost in America" (†). From June 21: "Once Upon a Time in America" (†).

Waverly I and 2, 6th Ave. at 3rd. (929-8037)
Theatre 1: Through June 26: "The Purple Rose of Cairo" (†). From June 27: "Before Stonewall: The Making of a Gay and Lesbian Community" (Greta Schiller).
Theatre 2: "The Brother from Another Planet" (John Sayles), with Joe Morton, Dee Dee Bridgewater, and Sayles.

Greenwich Playhouse I and 2, Greenwich Ave. at 12th. (929-3350)
Theatre 1: "Fletch" (Michael Ritchie), with Chevy Chase.
Theatre 2: Through June 20: "George Stevens: A Filmmaker's Journey" (George Stevens, Jr.), a documentary. From June 21: "Witness" (†).

Quad Cinema, 34 W. 13th. (255-8800)
Theatre 1: "What Have I Done to Deserve This!" (†).
Theatre 2: "Brewster's Millions" (Walter Hill), with Richard Pryor and John Candy.
Theatre 3: "Streetwise" (Martin Bell), a documentary.
Theatre 4: "A Private Function" (†).

23rd St. West Triplex, 333 W. 23rd. (989-0060)
Theatre 1: "Perfect" (James Bridges), with John Travolta and Jamie Lee Curtis.
Theatre 2: "Witness" (†).
Theatre 3: "Rambo: First Blood Part II" (†).

Guild, 33 W. 50th. (757-2406)
"Desperately Seeking Susan" (†).

Radio City Music Hall, Sixth Ave. at 50th. (757-3100; closed Mondays.)
From June 21: "Return of Oz" (Walter Murch), with Nicol Williamson and Jean Marsh.

Festival, 6 W. 57th. (757-2715)
Through June 27: "Lily in Love" (Karoly Makk), with Christopher Plummer and Maggie Smith.
From June 28: "A Passage to India" (†).

57th St. Playhouse, 110 W. 57th. (581-7360)
"Pumping Iron II: The Women" (George Butler).

Paris, 4 W. 58th. (688-2013)
"Dangerous Moves" (†).

Cinema 3, 2 W. 59th. (752-5959)
Through June 20: "Lost in America" (†).
From June 21: "Desperately Seeking Susan" (†).

Loews Paramount, B'way at 61st. (247-5070)
"Fletch" (Michael Ritchie), with Chevy Chase.

Lincoln Plaza I, 2, and 3, B'way at 63rd. (757-2280)
Theatre 1: "Amadeus" (†).
Theatre 2: "Streetwise" (Martin Bell), a documentary.
Theatre 3: "Jules and Jim" (†).

Cinema Studio I and 2, B'way at 66th. (877-4040)
Theatre 1: Through June 20: "The Holy Innocents" (Mario Camus; in Spanish). From June 21: "The Home and the World" (Satyajit Ray; in Bengali), with Victor Banerjee.
Theatre 2: "The Purple Rose of Cairo" (†).

Embassy 72nd St. I and 2, B'way at 72nd. (724-6745)
Theatre 1: "Secret Honor" (Robert Altman).
Theatre 2: "Goodbye, New York" (Amos Kollek), with Julie Hagerty and Kollek.

Loews 84th Street Sixplex, B'way at 84th. (877-3600)
Theatre 1: "D.A.R.Y.L." (Simon Wincer), with Mary Beth Hurt and Michael McKean.
Theatre 2: "Rambo: First Blood Part II" (†).
Theatre 3: "Fletch" (Michael Ritchie), with Chevy Chase.
Theatre 4: Through June 20: "A View to a Kill" (†). From June 21: "Cocoon" (Ron Howard), with Don Ameche and Wilford Brimley.
Theatre 5: "The Goonies" (Richard Donner).
Theatre 6: "Prizzi's Honor" (John Huston), with Jack Nicholson and Kathleen Turner.

Metro Cinema, B'way at 99th. (222-1200)
"Perfect" (James Bridges), with John Travolta and Jamie Lee Curtis.

Olympia Quad, B'way at 107th. (865-8128)
Theatre 1: "Rambo: First Blood Part II" (†).
Theatre 2: "Secret Admirer" (David Greenwalt), with C. Thomas Howell.

Theatre 3: Through June 20: "Brewster's Millions" (Walter Hill), with Richard Pryor and John Candy. From June 21: "Lifeforce" (Tobe Hooper), with Steve Railsback.

Theatre 4: Through June 20: "Desperately Seeking Susan" (†). From June 21: "Lifeforce."

TIMES SQUARE AREA

Criterion Theatres, B'way at 44th. (354-0900)

Theatre 1: "The Goonies" (directed by Richard Donner).

Theatre 2: Through June 20: "Police Academy 2: Their First Assignment" (Jerry Paris), with Steve Guttenberg. From June 21: "Cocoon" (Ron Howard), with Don Ameche and Wilford Brimley.

Theatre 3: "Mask" (Peter Bogdanovich), with Cher, Eric Stoltz, and Sam Elliott.

Theatre 4: "Desperately Seeking Susan" (†).

Theatre 5: Through June 20: "Gotcha!" (Jeff Kanew), with Anthony Edwards. From June 21: "Police Academy 2: Their First Assignment."

Theatre 6: Through June 20: "The Killing Fields" (†). From June 21: "Code of Silence" (Andy Davis), with Chuck Norris.

Embassy 1, B'way at 46th. (757-2408)
"Cannibal Holocaust."

Embassy 2, 3, and 4, B'way at 47th. (730-7262)

Theatre 2: "Witness" (†).

Theatre 3: "Beverly Hills Cop" (†).

Theatre 4: "The Last Dragon" (Michael Schultz).

Loews Astor Plaza, B'way at 44th. (869-8340)
"A View to a Kill" (†).

Loews State 1 and 2, B'way at 45th. (575-5060)

Theatre 1: "D.A.R.Y.L." (Simon Wincer), with Mary Beth Hurt and Michael McKean.

Theatre 2: "Brewster's Millions" (Walter Hill), with Richard Pryor and John Candy.

Movieland, B'way at 47th. (757-8320)
"Secret Admirer" (David Greenwalt), with C. Thomas Howell.

New Embassy 49th Street, Seventh Ave. at 49th. (757-7003)

Through June 20: "Silent Madness" (Simon Nuchtern), with Belinda Montgomery.

From June 21: To be announced.

R.K.O. Century National Twin, B'way at 44th. (869-0950)

Theatre 1: "Prizzi's Honor" (John Huston), with Jack Nicholson and Kathleen Turner.

Theatre 2: "Prizzi's Honor."

R.K.O. Century Warner Twin, B'way at 47th. (975-8369)

Theatre 1: "Rambo: First Blood Part II" (†).

Theatre 2: Through June 27: "Rambo: First Blood Part II" (†). From June 28: "Pale Rider" (Clint Eastwood), with Eastwood.

U. A. Twin 1 and 2, B'way at 49th. (247-1635)

Theatre 1: "Perfect" (James Bridges), with John Travolta and Jamie Lee Curtis.

Theatre 2: Through June 20: "Code of Silence" (Andy Davis), with Chuck Norris. From June 21: "Lifeforce" (Tobe Hooper), with Steve Railsback.

REVIVAL HOUSES

Agee Room, 144 Bleecker St. (674-2560; on Mondays through Fridays, theatre opens in the late afternoon.)
"Enormous Changes at the Last Minute" (1983; directed by Ellen Hovde and Mirra Bank).

Bleecker St. Cinema, 144 Bleecker St. (674-2560; on Mondays through Fridays, theatre opens in the late afternoon.)
"Desperately Seeking Susan" (†).

Carnegie Hall Cinema, 7th Ave. at 57th. (757-2131)

June 19: "Ugetsu" (1953; Kenji Mizoguchi; in Japanese), with Masayuki Mori and Machiko Kyo; and "Street of Shame" (1956; Kenji Mizoguchi), with Machiko Kyo.

June 20: "Demon Pond" (1982; Masahiro Shinoda; in Japanese), with Tamasaburo Bando; and "The Ballad of Orin" (1979; Masahiro Shinoda; in Japanese), with Shima Iwashita.

June 21-22: "Rashomon" (1951; Akira Kurosawa; in Japanese), with Toshiro Mifune, Machiko Kyo, Masayuki Mori, and Takashi Shimura; and "Dodes'ka-den" (1971; Akira Kurosawa; in Japanese).

June 23-29: "Goyokin" (1969; Hideo Gosha; in Japanese).

Cinema Village, 22 E. 12th. (924-3363)

Through June 20: "The Exorcist" (1973; William Friedkin), with Ellen Burstyn, Max von Sydow, Lee J. Cobb, and Linda Blair; and "Village of the Damned" (1960; Wolf Rilla), with George Sanders.

June 21-22: "Harold and Maude" (1971; Hal Ashby), with Ruth Gordon and Bud Cort; and "King of Hearts" (1967; Philippe de Broca; in French and English), with Alan Bates and Geneviève Bujold.

June 23: "The Big Chill" (1983; Lawrence Kasdan), with Kevin Kline, Glenn Close, Jeff Goldblum, and William Hurt; and "Educating Rita" (1983; Lewis Gilbert), with Michael Caine and Julie Walters.

June 24-25: "The Devils" (1971; Ken Russell), with Vanessa Redgrave and Oliver Reed; and "Marat/Sade" (1967; Peter Brook), performed by the Royal Shakespeare Company.

June 26-27: "The Terminator" (1984; James Cameron), with Arnold Schwarzenegger; and "Mad Max" (1980; George Miller and Mel Gibson; an Australian film), with Gibson.

June 28-29: A program of Warner Brothers cartoons.

8th St. Playhouse, 52 W. 8th. (674-6515; Mondays through Fridays, theatre opens in the late afternoon.)

Through June 27: "2001: A Space Odyssey" (1968; Stanley Kubrick), with Keir Dullea and Gary Lockwood.

From June 28: "Jules and Jim" (†); and "The 400 Blows" (1959; François Truffaut; in French), with Jean-Pierre Léaud.

Hollywood Twin Cinema 1, 8th Ave. at 47th. (246-0717)

Through June 20: "Yojimbo" (1961) and "Throne of Blood" (1957), both films in Japanese, directed by Akira Kurosawa, with Toshiro Mifune.

June 21-22: "Breakfast at Tiffany's" (1961; Blake Edwards), with Audrey Hepburn, George Peppard, Patricia Neal, Martin Balsam, and Mickey Rooney; and "Charade" (1963; Stanley Donen), with Cary Grant, Audrey Hepburn, and Walter Matthau.

June 23: "Superman" (1978; Richard Donner), with Christopher Reeve, Marlon Brando, Susannah York, Gene Hackman, Glenn Ford, and Jackie Cooper; and "Superman II" (1981; Richard Lester), with Gene Hackman and Christopher Reeve.

June 24-25: "Ciao! Manhattan" (1973; John Palmer and David Weisman); and "Andy Warhol's Bad" (1977).

June 26-27: "Divine Madness" (†) and "The Rose" (†).

June 28-29: "Last Tango in Paris" (1972; Bernardo Bertolucci; in French and English), with Marlon Brando and Maria Schneider; and "Lolita" (1962; Stanley Kubrick), with Sue Lyon, James Mason, Peter Sellers, and Shelley Winters.

Hollywood Twin Cinema 2, 8th Ave. at 47th. (246-0717)

Through June 20: "Ladyhawke" (1985; Richard Donner), with Matthew Broderick, Rutger Hauer, and Michelle Pfeiffer; and "The Company of Wolves" (1985; Neil Jordan), with Angela Lansbury and David Warner.

From June 21: "The Return of the Soldier" (1982; Alan Bridges), with Alan Bates, Julie Christie, Ann-Margret, and Glenda Jackson; and "Les Compères" (1984; Francis Véber; in French), with Gérard Depardieu and Pierre Richard.

Regency, B'way at 67th. (724-3700)

June 19: "Harry & Tonto" (1974; Paul Mazursky), with Art Carney; and "Breaking Away" (1979; Peter Yates), with Dennis Christopher, Dennis Quaid, Daniel Stern, and Jackie Earle Haley.

June 20-22: "The Seven Year Itch" (1955; Billy Wilder), with Marilyn Monroe, Tom Ewell, Victor Moore, Evelyn Keyes, and Sonny Tufts; and "Bus Stop" (1956; Joshua Logan), with Marilyn Monroe, Don Murray, Arthur O'Connell, Betty Field, and Eileen Heckart.

June 23-24: "Stormy Weather" (1943; Andrew Stone), with Bill Robinson, Fats Waller, Cab Calloway, and Dooley Wilson; and "Orchestra Wives" (†).

June 25-26: "Wild River" (1960; Elia Kazan), with Montgomery Clift, Lee Remick, Albert Salmi, Jay C. Flippen, and Jo Van Fleet; and "Panic in the Streets" (†).

June 27: "The Longest Day" (1962), with Richard Burton, John Wayne, Henry Fonda, and Red Buttons.

June 28-29: "I Can Get It for You Wholesale" (1951; Michael Gordon), with Susan Hayward and Dan Dailey; and "Unfaithfully Yours" (1948; Preston Sturges), with Rex Harrison and Linda Darnell.

Thalia, B'way at 95th. (222-3370)

June 19: "Diner" (1982; Barry Levinson), with Daniel Stern, Steve Guttenberg, and Mickey Rourke; and "American Graffiti" (1973; George Lucas), with Richard Dreyfuss and Ronny Howard.

June 20: "Les Enfants Terribles" ("The Strange Ones;" 1949; Jean-Pierre Melville; in French), with Nicole Stéphane, Edouard Dermithe, and Renée Cosima; and "The Blood of a Poet" (1930; Jean Cocteau; in French).

June 21-22: "Demon Lover Diary" (1980; Joel DeMott and Jeff Kreines); and "Document of the Dead" (1979; Roy Frumkes).

June 23: "Once Upon a Time in the West" (1969; Sergio Leone), with Henry Fonda, Claudia Cardinale, and Jason Robards.

June 24: "Alice in Wonderland" (1951), a film with a cast of puppets, along with a few genuine actors, including Carol Marsh, Pamela Brown, and Felix Aylmer; and a program of George Pal cartoons.

June 25: "Moscow on the Hudson" (†); and "Skyline" (1984; Fernando Colomo; in Spanish and English).

June 26: "Trash" (1970; Paul Morrissey), with Joe Dallesandro and Holly Woodlawn; and "Flesh" (1968; Paul Morrissey), with Joe Dallesandro.

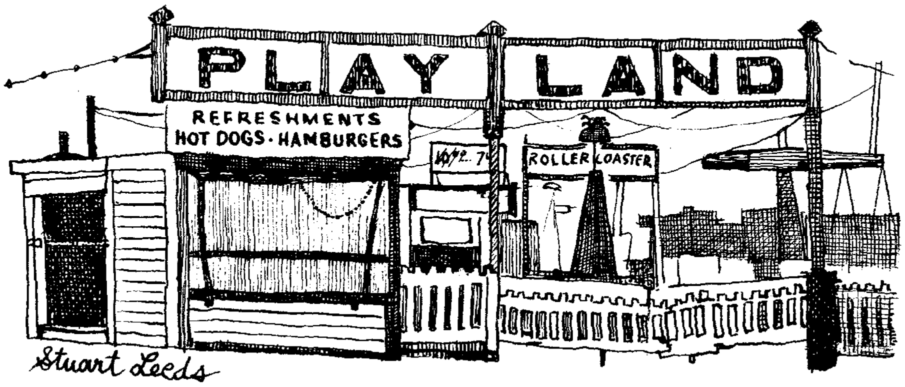
June 27: "The 4th Man" (†); and "Maîtresse" (1976; Barbet Schroeder; in French), with Bulle Ogier and Gérard Depardieu.

June 28: "Dr. Strangelove" (1964; Stanley Kubrick), with Peter Sellers, George C. Scott, and Sterling Hayden; and "The Mouse That Roared" (1959; Jack Arnold), with Peter Sellers, Jean Seberg, and David Kossoff.

June 29: "Merry Christmas, Mr. Lawrence" (1983; Nagisa Oshima), with David Bowie; and "Men in War" (†).

Theatre 80 St. Marks, 80 St. Marks Pl. (254-7400)

June 19: "Red Dust" (1932; Victor Fleming), with Clark Gable, Jean Harlow, and Mary Astor; and "Bombshell" (1933; Victor



Fleming), with Jean Harlow, Franchot Tone, Lee Tracy, and Frank Morgan.

June 20: "Pygmalion" (1938; Anthony Asquith and Leslie Howard), with Howard and Wendy Hiller; and "Major Barbara" (1941; Gabriel Pascal), with Rex Harrison, Wendy Hiller, Robert Morley, Sybil Thorndike, and Robert Newton.

June 21-22: "Harold and Maude" (1971; Hal Ashby), with Ruth Gordon and Bud Cort; and "Where's Poppa?" (1970; Carl Reiner), with George Segal, Ruth Gordon, and Trish Van Devere.

June 23: "A Slight Case of Murder" (1938; Lloyd Bacon), with Edward G. Robinson, Allen Jenkins, and Jane Bryan; and "Arsenic and Old Lace" (1944; Frank Capra), with Cary Grant, Priscilla Lane, Raymond Massey, Peter Lorre, Josephine Hull, and Jean Adair.

June 24: "Persona" (†) and "The Seventh Seal" (†).

June 25: "Queen Christina" (†) and "As You Desire Me" (†).

June 26: "The Petrified Forest" (†) and "The Man Who Came to Dinner" (†).

June 27: "In a Lonely Place" (1950; Nicholas Ray), with Humphrey Bogart and Gloria Grahame; and "Dead Reckoning" (1947; John Cromwell), with Humphrey Bogart and Lizabeth Scott.

June 28-29: "Roman Holiday" (1953; William Wyler), with Audrey Hepburn, Gregory Peck, and Eddie Albert; and "Breakfast at Tiffany's" (1961; Blake Edwards), with Audrey Hepburn, George Peppard, Patricia Neal, Martin Balsam, and Mickey Rooney.

FILM LIBRARIES, ETC.

Museum of Modern Art, Roy and Niuta Titus Theatres, 11 W. 53rd St. (708-9490; a limited number of tickets are available to those applying for them in person at the museum after 11 on the day of the showing.)

Theatre 1: June 20 at 2:30 and 6: "Sunrise" (1927; directed by F. W. Murnau; a silent film). . . . ¶ June 21 at 2:30: "Comin' Thro' the Rye" (1923; Cecil M. Hepworth; a British silent film), with James Carew. . . . ¶ June 22 at 2: "Pygmalion" (1938; Anthony Asquith and Leslie Howard), with Howard and Wendy Hiller. . . . ¶ June 22 at 5: "French Without Tears" (1939; Anthony Asquith), with Ray Milland and Ellen Drew. . . . ¶ June 23 at 2: "Great Expectations" (1946; David Lean), with John Mills, Valerie Hobson, and Bernard Miles. . . . ¶ June 23 at 5: "Blithe Spirit" (1945; David Lean), with Rex Harrison, Constance Cummings, Kay Hammond, and Margaret Rutherford. . . . ¶ June 24 at 2:30: "Loyalties" (1933; Basil Dean), with Basil Rathbone. . . . ¶ June 24 at 6: "Pygmalion." . . . ¶ June 25 at 2:30: "French Without Tears." . . . ¶ June 25 at 6: "Blithe Spirit." . . . ¶ June 27 at 2:30 and 6: "The Cat and the Canary" (1927; Paul Leni; a silent film). . . . ¶ June 29 at 2: "Great Expectations." . . . ¶ June 29 at 5: "Brighton Rock" (1947; John Boulting), with Richard Attenborough and Hermione Baddeley.

Theatre 2: June 20 at 3 and 6:30: "The Real Thing" (1984; Peter Schnall), and "1877, The Grand Army of Starvation" (1985; Stephen Brier), both documentaries. . . . ¶ June 21 at 3: "Cameo Kirby" (1923; John Ford; a silent film), with John Gilbert, Gertrude Olmstead, and Jean Arthur. . . . ¶ June 21 at 6:30 and June 22 at 2:30: "Man, Woman, and Sin" (1927; Monta Bell; a silent film), with John Gilbert and Jeanne Eagels. . . . ¶ June 22 at 5:30: "Flesh and the Devil" (1927; Clarence Brown; a silent film), with John Gilbert, Greta Garbo, and Lars Hanson. . . . ¶ June 23 at 2:30 and 5:30: "The Trail of the Lonesome Pine" (1936; Henry Hathaway), with Sylvia Sidney, Henry Fonda, Fred MacMurray, and Fred Stone. . . . ¶ June 25 at 3 and 6:30: "The Magician" (1958; Ingmar Bergman; in Swedish), with Max von Sydow, Ingrid Thulin, and Gunnar Björnstrand. . . . ¶ June 27 at 3 and 6:30: "Before Hindsight" (1977; Jonathan Lewis), a documentary. . . . ¶ June 28 at 3: "Alice Adams" (1935; George Stevens), with Katharine Hepburn, Fred MacMurray, and Fred Stone. . . . ¶ June 28 at 6:30 and June 29 at 2:30: "A Midsummer Night's Dream" (1935; Max Reinhardt and William Dieterle), with James Cagney, Dick Powell, Olivia de Havilland, and Joe E. Brown. . . . ¶ June 29 at 5:30: "David Copperfield" (1935; George Cukor), with W. C. Fields, Freddie Bartholomew, Lionel Barrymore, and Maureen O'Sullivan.

Whitney Museum, Madison Ave. at 75th St. (570-0537)—A two-week program of films by black independent filmmakers. June 19 at noon, June 22 at noon, June 25 at 1:30 and 6:30, and June 28 at noon: "From Harlem to Harvard" (1982; Marco Williams) and "Shipley Street" (1981; Jacqueline A. Frazier). . . . ¶ June 19 at 2, June 22 at 2, June 25 at 3:30, and June 28 at 2: "The Sky Is Grey" (1980; Stan Lathan) and "Ali, the Fighter" (1971; William Greaves). . . . ¶ June 20 at noon, June 23 at 1, and June 27 at noon: "The Nightmare" (1980; John Perry III) and "A Dream Is What You Wake Up From" (1979; Sarah Gomez and Josina Michael). . . . ¶ June 20 at 2, June 23 at 3, and June 27 at 2: "A Different Image" (1982; Alile Sharon Larkin) and "Sky Captain" (1984; Mary Neema Barnett). . . . ¶ June 21, June 26, and June 29, all at noon: "A Place in Time" (1977; Charles Lane) and "Death of a Dunbar Girl" (1974; Henry Miller). . . . ¶ June 21, June 26, and June 29, all at 2: "Color" (1982; Warrington Hudlin) and "Bless Their Little Hearts" (1983; Bill Woodberry). Closed Mondays.

IN BRIEF

SEE ABOVE FOR THEATRE ADDRESSES AND TELEPHONE NUMBERS. IF A MOVIE HAS BEEN REVIEWED IN THESE PAGES DURING THE PAST TWO YEARS, THE DATE OF ITS REVIEW IS GIVEN.

Amadeus—The lofty playwright Peter Shaffer has the minor composer Salieri (F. Murray Abraham) declaring war on Heaven for gypping him, and determined to ruin the incomparable Wolfgang Amadeus Mozart (Tom Hulce) because God's voice is speaking through him. The director, Miloš Forman, trudges through the movie as if every step were a major contribution to art, and he keeps the audience hooked. Some redeeming qualities: Mozart's music, Twyla Tharp's staging of the dances and opera excerpts, and Abraham's eager, slimy Salieri. (Reviewed in our issue of 10/29/84) (Lincoln Plaza. . . . ¶ Gemini; through June 20.)

As You Desire Me (1932)—Greta Garbo plays an amnesiac café entertainer in Budapest, trying to escape from the influence of a novelist, played by Erich von Stroheim. Melvyn Douglas is her forgotten husband—a count, what else? The plot is taken from Pirandello and made into trumpery, but there is always Garbo, though the rewards of the film are pretty inverted. (Theatre 80 St. Marks; June 25.)

Beverly Hills Cop—The plot is just a peg for little set pieces in which the street-smart Eddie Murphy, in his worn-out sweatshirts, saunters through swank Beverly Hills locations, tells whopping lies, and outsmarts the white dumbos. Hotfooting the picture to keep it going, he rattles off pitifully undistinguished profanity, but we're cued to react to every stupid four-letter word as riotous. With Judge Reinhold, Stephen Elliott, Bronson Pinchot, Ronny Cox, Steven Berkoff, Lisa Eilbacher, and John Ashton. Directed by Martin Brest. (12/24/84) (Embassy. . . . ¶ 86th St. East; through June 20.)

Dangerous Moves—This Swiss picture is about a world-championship chess match held in Geneva between the longtime titleholder (Michel Piccoli), a courtly and cagey gray-bearded Russian Jew from the Soviet Union, and his former pupil, the handsome, high-strung challenger (Alexander Arbatt), a young Lithuanian who defected from the Soviet Union. At first, the young man's flamboyance and the older man's seething anger put us in an expectant mood, but the film turns into an uninspired account of the psychological pressures put on the contestants, who are both being manipulated by the Soviet bureaucracy. Written by Richard Dembo, who makes his début as a director. With Liv Ullmann, Leslie Caron and Bernhard Wicki. In French. (6/3/85) (Paris.)

Desperately Seeking Susan—Set in the punk world, it's a mistaken-identity fantasy about doe-eyed Roberta (Rosanna Arquette), a suburban housewife in New Jersey, who becomes fixated on a drifter named Susan (played by the rock star Madonna). This attempt at screwball charm was directed by Susan Seidelman, who wipes out her actors. All their responsiveness is cut off—there's nothing going on in them. No subtext—nothing. Nobody comes through except Madonna, who comes through as Madonna (she moves regally, an indolent, trampy goddess), and the cinematographer Edward Lachman, whose lighting gives the East Village shops and streets a funky prettiness. The cast includes Robert Joy, Aidan Quinn, Mark Blum, Laurie Metcalf, and the comedian Steven Wright. (4/22/85) (Guild, Criterion Theatres, and Bleecker St. Cinema. . . . ¶ U. A. 85th St. East, and Olympia Quad; through June 20. . . . ¶ Cinema 3; starting June 21.)

Divine Madness (1980)—Essentially a one-woman show: Bette Midler is alone on the stage with her backup trio, the Harlettes, but she seems to have a whole troupe of people inside. In this film, shot on three successive nights at the Pasadena Civic Auditorium, she tells jokes (she may be better at bawdiness than any other woman entertainer alive) and she sings. She's an emotional whirligig, and the film is hugely entertaining, though the best numbers come at the beginning. Directed by Michael Ritchie. (Hollywood Twin Cinema 1; June 26-27.)

The 4th Man (1982)—A Dutch thriller about a homosexual writer (Jeroen Krabbé) who allows himself to be pampered by a rich blond widow, because he has a passionate yen for her longtime lover. The widow, who needs to be a teasingly ambiguous figure, is a blank. But the film is amusing, and Krabbé plays worminess exultantly. Directed by Paul Verhoeven. In Dutch. (7/9/84) (Thalia; June 27.)

Ivanhoe (1952)—Everybody in twelfth-century England is fighting everybody else. The Normans, who have pledged their allegiance to Prince John (Guy Rolfe), are at war with the Saxons, who are committed to Richard the Lion-Hearted (Norman Wooland), and the Saxon hero Wilfred of Ivanhoe (Robert Taylor) is trying to raise the ransom money to free Richard from his foreign captors. Ivanhoe is also attentive to the beautiful blond Rowena (Joan Fontaine) and to the dark, sensitive Jewish outcast Rebecca (Elizabeth Taylor). Elizabeth Taylor, just turned twenty, is so improbably beautiful that Fontaine, ordinarily a great beauty in her own right, seems pallid and smarmy. No one could say this isn't a rousing movie. Directed by Richard Thorpe. With George Sanders, Emlyn Williams, Finlay Currie, and Felix Aylmer. (Little Theatre, Public Theatre; starting June 28.)

Jane Eyre (1944)—Perfectly respectable version, directed by Robert Stevenson, with Aldous Huxley adding his own pungency to Charlotte Brontë's novel. Orson Welles looms in a cast that includes Joan Fontaine and a very young Elizabeth Taylor. (Little Theatre, Public Theatre; starting June 28.)

Jules and Jim (1962)—François Truffaut's celebration of bohemian life in France and Germany in the years of artistic ferment between the First World War and the Second. The Austrian, Jules (Oskar Werner), and the Frenchman, Jim (Henri Serre), have a peaceful friendship. But when they are with Catherine (Jeanne Moreau) they feel alive; anything may happen. She's the catalyst, the troublemaker, the source of despair as well as the source of joy, an enchantress. Catherine marries Jules, who can't hold her, and, in despair, he encourages Jim's interest in her—"that way, she'll still be *ours*." She insists on her freedom to leave men, but if they leave her (as Jim does) she is as devastated and as helpless as any clinging vine (perhaps *more* devastated—she can't even ask for sympathy). Elliptical, full of wit and radiance, this is the best movie ever made about what most of us think of as the Scott Fitzgerald period. In French. (Lincoln Plaza. . . . ¶ 8th St. Playhouse; starting June 28.)

GOINGS ON ABOUT TOWN

The Killing Fields—The British film shows us the Khmer Rouge transforming Cambodia into a nationwide gulag, and the scenes of this genocidal revolution have the breadth and terror of something deeply imagined. The movie tells the story of how Sydney Schanberg (Sam Waterston), who was the *Times* correspondent in Cambodia from 1972 to 1975, was separated from his interpreter and assistant, Pran (Haing S. Ngor), and of his remorse and general anguish until the wily, resourceful Pran, after four years of slave labor and hiding, made his way into Thailand, late in 1979, and got word to him. It's written like a TV docudrama, and it bogs down in the crosscutting between Pran's experiences of the atrocities in Cambodia and Schanberg's guilt and misery in various settings in the U.S. But it's by no means a negligible movie. Roland Joffé, making his début as a movie director, and the cinematographer, Chris Menges, give us imagery that suggests the work of a macabre lyric poet, and there are accomplished performances—most notably by John Malkovich, Bill Paterson, and Athol Fugard. (12/10/84) (Gotham Cinema; June 19. . . . ¶ Criterion Theatres; through June 20.)

Life with Father (1947)—The director, Michael Curtiz, seems to be totally out of his element in this careful, deadly version of the celebrated, long-running Broadway comedy by Howard Lindsay and Russel Crouse, based on Clarence Day's stories. William Powell plays the crotchety head of a large, tumultuous upper-middle-class New York household in the eighteen-eighties; Powell's timing (usually impeccable) is way off, and the comic expressions freeze on his face. Everybody seems to be trying too hard. With Irene Dunne, Elizabeth Taylor, Edmund Gwenn, Jimmy Lydon, Martin Milner, and ZaSu Pitts. (Little Theatre, Public Theatre; June 25-27.)

Lost in America—Original and pleasantly snappy. It lacks the fullness of a major comedy, but Albert Brooks, who stars in it and directed, is on to something: satirizing the upper middle class from within, he shows the nagging terror along with the complacency. And he keeps you laughing fairly steadily. As David, an L.A. advertising whiz, he's an anxious wreck who tortures himself and his wife over every detail of his existence. With her little-girl breathiness and her look of panic, Julie Hagerty is an ideal choice for the timid, depressed woman who puts up with him. These two buy a luxury motor home, and, with the security of a nest egg of roughly a hundred and forty-five thousand dollars, set out to find themselves and get in touch with the real America. With Garry Marshall, Art Frankel, and Michael Greene. (4/8/85) (Film Forum, and Cinema 3; through June 20.)

The Man Who Came to Dinner (1942)—In the thirties, the unctuous, sentimental Alexander Woollcott was loved by millions of radio listeners; Woollcott the outrageous master of euphonious insults was loved and hated by a small circle. Two members of this circle, George S. Kaufman and Moss Hart, made him the hero and the target of their 1939 Broadway hit—a cheerful spoof on celebrity in that period. In this film version, the devastatingly adroit Monty Woolley plays the arrogant, infantile Sheridan Whiteside, who goes on a lecture tour and breaks his hip while attending a dinner in his honor at the home of solid, boring fans. Stuck in that home until his hip mends, he takes it over and orders the adoring residents around. With Bette Davis, Reginald Gardiner, Jimmy Durante, and Ann Sheridan. Directed by William Keighley. (Theatre 80 St. Marks; June 26.)

Men in War (1957)—A platoon in the Korean war is surrounded by the enemy; the attempt to get back to its own lines is the substance of the film. Under Anthony Mann's direction and with the performances of Robert Ryan, Aldo Ray, and Robert Keith, this attempt is charged with desperate anxiety. (Thalia; June 29.)

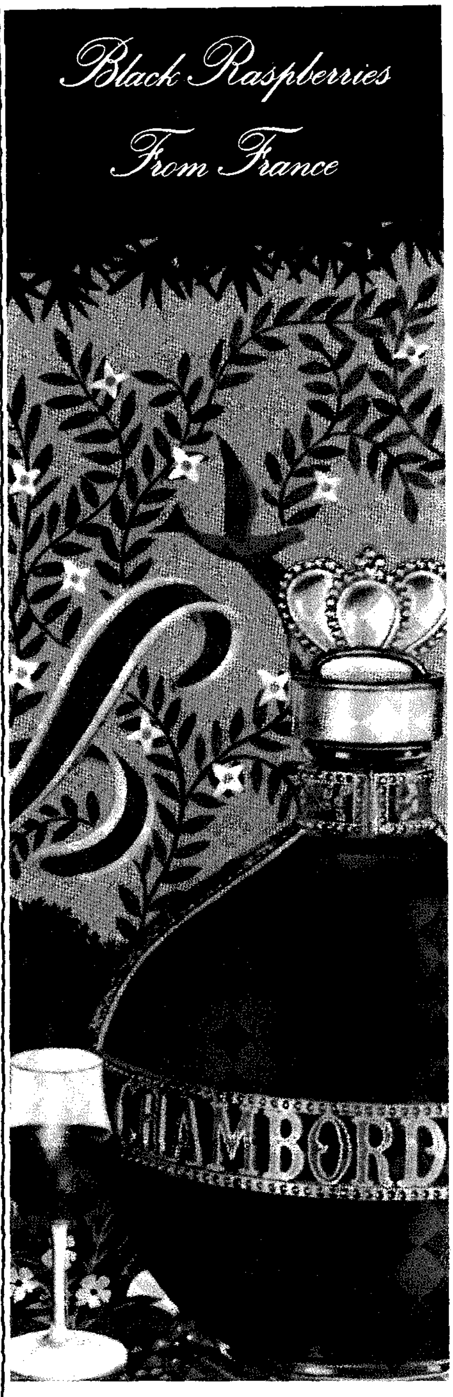
Moscow on the Hudson (1984)—Robin Williams as a Russian sax player who defects, in Paul Mazursky's wonderful comedy about a tragedy—about going away forever, about not being able to go home. The defection takes place in Bloomingdale's, and the plot radiates from this temple of the mouth-watering temptations of capitalist decadence. It doesn't take long before the sax player discovers the isolation and paranoia of living in New York. The brutality of the city confuses him; in Russia, he says, he knew who the enemy was. With Maria Conchita Alonso, Alejandro Rey, and Cleavant Derricks. (Thalia; June 25.)

Once Upon a Time in America (1984)—Just about all the incidents in this three-hour-and-forty-seven-minute film echo scenes in Hollywood gangster movies, but the director, Sergio Leone, inflates them, slows them down, and gives them a dreamy obsessiveness. He transmutes the Lower East Side settings of those gangster movies to give the genre a richer, more luxuriant visual texture. His wide-screen view of a group of Jewish kids who start with petty crime and move into big-time racketeering is set in 1921, 1933, and 1968, but not in that order. His theme is the betrayal of the immigrants' dream of America, and the story begins and ends in an opium den where Noodles (Robert De Niro) puffs on a pipe while episodes of his life of killings and rapes and massacres drift by and a telephone rings somewhere in the past. This epic is a compendium of kitsch, but it's kitsch aestheticized by someone who loves it and sees it as the poetry of the masses. It isn't just the echoing moments that keep you absorbed—it's the reverberant dreamland settings and Leone's majestic, billowing sense of film movement. With Jennifer Connelly, who's marvellously vivid as the young Deborah; Darlanne Fleugel as the beautiful streamlined blond Eve; and Tuesday Weld, who brings a gleam of perversity to the role of a nympho moll. Also, with Elizabeth McGovern, who's badly miscast as the adult Deborah, and James Woods, Larry Rapp, James Hayden, William Forsythe, Treat Williams, Burt Young, and Joe Persi. Many writers worked on the screenplay, which is loosely based on the novel "The Hoods," by Harry Grey; the final credits go to Leone and five Italians, plus Stuart Kaminsky (for additional dialogue). The cinematography is by Tonino Delli Colli; the score is by Ennio Morricone. (A studio-shortened version that runs two hours and fifteen minutes is disastrously incoherent.) (5/27/85) (Film Forum; starting June 21.)

Orchestra Wives (1942)—Livelier than the title suggests. It's the swing era, the band is Glenn Miller's (with Tex Beneke and The Modernaires), and the screenwriters use the shopworn love triangle of the innocent small-town girl (Ann Rutherford) who marries a musician (George Montgomery) and then comes up against his old flame, the band's vocalist (Lynn Bari), as a framework for all the snappy repartee they can pile on. Archie Mayo directed, and the picture has a seedy, unassuming pungency. The cast includes Glenn Miller, Jackie Gleason, Carole Landis, Cesar Romero, and Virginia Gilmore. The tunes include "Serenade in Blue," "At Last," "Chattanooga Choo Choo," and "Bugle Call Rag." (Regency; June 23-24.)

Panic in the Streets (1950)—Elia Kazan took a fairly conventional thriller script and made a tense, high-powered movie of it. Seeing this film, one wouldn't know that he had ever worked in the theatre: everything is kept moving, in a nervous, edgy way, yet the performances are never sacrificed to the action. The setting is the New Orleans waterfront; a murder victim is discovered to be carrying plague, and a Public Health doctor (Richard Widmark) and a city detective (Paul Douglas) hunt for everybody who had come into contact with him. Mean Jack Palance and frightened, sweaty Zero Mostel are the thugs they're after. With Barbara Bel Geddes, Tommy Rettig, and Alexis Minotis. (Regency; June 25-26.)

A Passage to India—This admirable version of E. M. Forster's 1924 novel about the tragicomedy of British colonial rule was adapted, directed, and edited by David Lean, who knows how to do pomp and the moral hideousness of empire better than practically anybody else around. Peggy Ashcroft comes through with a transcendent piece of acting as Mrs. Moore, and Judy Davis is close to perfection as the repressed Miss Quested, who longs for adventure; they are the two women whose attempt to get to know the Indians socially results in a charge of attempted rape against Dr. Aziz, played by Victor Banerjee, a fine, fluid actor who's like a piece of erotic sculpture. It may not be the highest praise



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to say that a movie is orderly and dignified, but of its kind this "Passage to India" is awfully good, until the last half hour or so; the concluding scenes wobble all over the place. The cast is just about irreproachable. It includes James Fox, Nigel Havers, Art Malik, Michael Culver, Saeed Jaffrey, Roshan Seth, and Sandra Hotz. (2 hours and 43 minutes.) (1/14/85) (Coronet; through June 27. . . . ¶ Festival; starting June 28.)

Persona (1967)—In this film the writer-director Ingmar Bergman involves us in the making of a movie. He gives us a movie within a movie, but he seems hardly to have made the enclosing movie, and then he throws away the inner one; in it, an actress (Liv Ullmann) who has abandoned the power of speech is put in the care of a nurse (Bibi Andersson), and the nurse begins to vent her own emotional disturbances. Most movies give so little that it seems almost barbarous to object to Bergman's not giving us more in "Persona," but it is just because of the expressiveness and fascination of what we *are* given that the movie is so frustrating. There is, however, great intensity in many of the images, and there's one great passage: the nurse talks about a day and night of sex on a beach. It's one of the rare truly erotic sequences in movie history. With Gunnar Björnstrand and Jörgen Lindström. In Swedish. (Theatre 80 St. Marks; June 24.)

The Petrified Forest (1936)—Leslie Howard is all forehead as a world-weary, desiccated intellectual who arrives on foot at a gas station and Bar-B-Q in the Arizona desert; Bette Davis is an ardent, fresh American girl, eager for experience, who lives there with her grandfather (Charley Grapewin). For a guy who's supposed to be burned out, Howard sure has a lot of talk in him, and it's fancy and poetic as all getout. Davis, surprisingly, plays her part very simply and doesn't overdo it. The movie is famous for Humphrey Bogart's "dangerous" performance as Duke Mantee, the gangster who is using the Bar-B-Q to rendezvous with his moll and the members of his mob, and who, out of mercy, gives the exhausted, idealistic intellectual the peace of death that he seeks. Bogart does look great, but you feel that his performance was worked out for the stage (he had played the part on Broadway). As moviemaking, this is a pedestrian piece of work; the director, Archie Mayo, gives you the feeling that he has even retained the stage blocking. (Theatre 80 St. Marks; June 26.)

A Private Function—It never quite makes the final leap into lewd farce, but it's pretty funny anyway. The action is set in a small Yorkshire town in 1947, during the worst of the postwar austerity, and the plot involves the efforts of the local pillars of society (Denholm Elliott, John Normington, Richard Griffiths) to fatten a hidden, "unlicensed" pig for a banquet celebrating the nuptials of Princess Elizabeth and Prince Philip. They run into trouble when the pig is stolen by a mild-mannered chiropodist (Michael Palin), who is encouraged by his Lady Macbeth of a wife (Maggie Smith). The movie is trivial, but alive and unruly; the characters cheat and conspire on such a low level that it suggests "Volpone" set in a cabbage patch. With Liz Smith, Bill Paterson, and Rachel Davies. Directed by Malcolm Mowbray. (3/25/85) (Quad Cinema.)

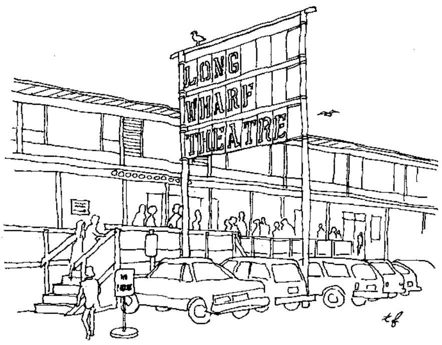
The Purple Rose of Cairo—The thirteenth movie that Woody Allen has directed, and possibly his finest creation. He wrote it for Mia Farrow, and it seems scaled to her cheekbones. The time is 1935, and she is Cecilia, who lives in a small town in New Jersey and can't hold a job for long because her thoughts wander away to the glamorous worlds she sees on the screen. Jeff Daniels plays a dashing young screen character who bounds down from the black-and-white image and into color, and takes Cecilia out of the theatre with him; he's also the ambitious young actor who arrives in the town to try to persuade the character to go back up on the screen where he belongs. Also with Danny Aiello, Stephanie Farrow, Zoe Caldwell, John Wood, Ed Herrmann, Van Johnson, and Dianne Wiest. (3/25/85) (Eastside Cinema, and Cinema Studio. . . . ¶ Waverly; through June 26.)

Queen Christina (1934)—Garbo great, with John Gilbert, directed by Rouben Mamoulian. She poses as a man, dressed in black velvet, in a famous inn scene in which she is asked to share a bedroom with the Spanish ambassador; no one has ever come near her ability as an actress to suggest opposite emotions at the same time, and her mixture here of the debonair and the bashful is delicately comic. The film ends, historically, with a heartrending closeup of Garbo's face that runs for eighty-five feet. When asked what he told Garbo to think of when she was doing the shot, Mamoulian replied, "Nothing, absolutely nothing." (Theatre 80 St. Marks; June 25.)

Rambo: First Blood Part II—Jump-cutting from one would-be high point to another, "Rambo" is to the action film what "Flashdance" was to the musical, with one to-be-cherished difference: audiences are laughing at it. (They hoot at it and get a little charged up at the same time.) The proceedings are directed by George P. Cosmatos and he gives the near-psychotic material—a mixture of Catholic iconography and *Soldier of Fortune* pulp—a veneer of professionalism, but the looniness is always there. The film's star and progenitor is Sylvester Stallone, and the way he's photographed he's huge—our national palooka. This humanoid Christ figure with brown leather skin and symmetrical scars goes into Vietnam and brings out a bunch of our missing-in-action men. The film specializes in scenes such as Rambo spread-eagled on an electrified rack, Rambo branded on the face with a red-hot knife, Rambo immersed in pig glop while hanging crucifixion-style. With Julia Nickson, Richard Crenna, Charles Napier, Steven Berkoff, George Kee Cheung, and Martin Kove. (6/17/85) (Gemini, R.K.O. Century 86th St. Twin, 23rd St. West Triplex, Loews 84th Street Sixplex, Olympia Quad, and R.K.O. Century Warner Twin. . . . ¶ Bay Cinema; through June 20.)

The Rose (1979)—Bette Midler plays "the Rose," a character loosely based on the singer Janis Joplin, who died of pills, alcohol, heavy drugs, and tiredness in 1970. The director, Mark Rydell, puts Miss Midler's considerable talent at desperate odds with the film itself, by trying for a wall-to-wall finale—one long seamless high. When Miss Midler's Rose is not screaming to be heard somewhere in the bad music, she is screaming in anger, or in tears, or in alcoholic fugue states, or in a phone booth shooting heroin—all hyper, none of it really in Miss Midler's own style. With Frederic Forrest, Alan Bates, and Harry Dean Stanton. (Hollywood Twin Cinema 1; June 26-27.)

The Seventh Seal (1956)—Ingmar Bergman's medieval morality play about man in search of the meaning of life is set in fourteenth-century Sweden. But it's a magically powerful film—the story seems to be playing itself out in a medieval present. A knight (Max von Sydow), tormented and doubting, returns from ten wasted years on the Crusades, and Death (Bengt Ekerot) comes to claim him. Hoping to gain some revelation or obtain some knowledge before he dies, the knight challenges Death to a game of chess. In the end, the knight tricks Death in order to save a family of strolling players—a visionary, innocent, natural man, Joseph (Nils Poppe), his wife (Bibi Andersson), and their infant son. The knight, a sane modern man, asking to believe despite all the evidence of his senses, is childlike compared with his carnal atheist squire (Gunnar Björnstrand). The images and omens are medieval, but the modern erotic and psychological insights add tension, and in some cases—as in the burning of the child-witch (Maud Hansson)—excruciation. In Swedish. (Theatre 80 St. Marks; June 24.)

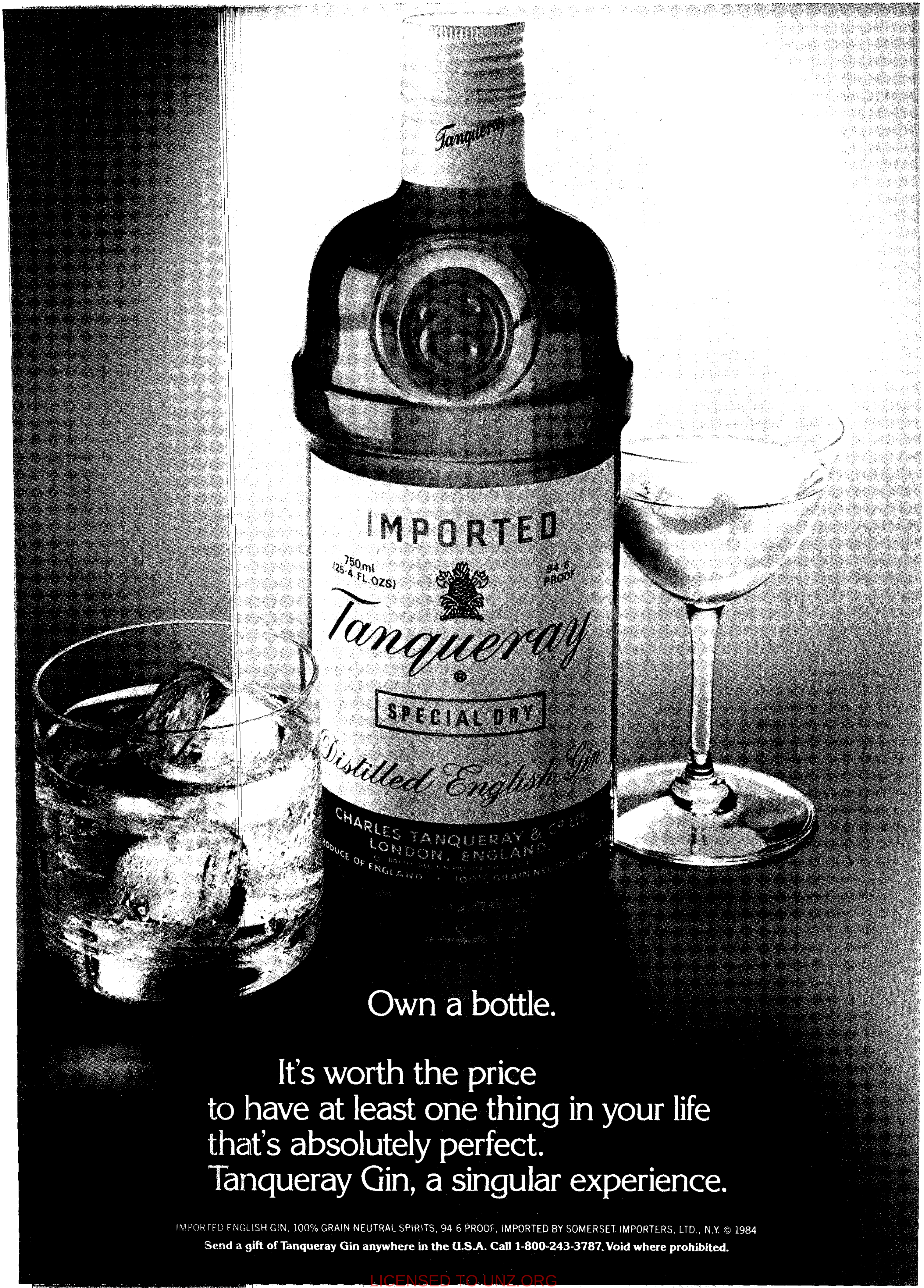


The Shooting Party—Working with Julian Bond's adaptation of Isabel Colegate's novel and a dream of a cast—James Mason (in his final movie), John Gielgud, Dorothy Tutin, Edward Fox, Gordon Jackson, Cheryl Campbell, Judi Bowker, Rupert Frazer, Aharon Ipalé—the director Alan Bridges carries the Masterpiece Theatre approach to the level of art. In the English countryside in the autumn of 1913, a large number of landed gentry, aristocrats, servants, gamekeepers, beaters, and loaders gather for a three-day shoot. Once again we get a vision of an aristocracy reduced to playing games of death, and once again a shooting party foreshadows the greater violence to come. But Colegate's tone is lightly self-mocking, and the film is full of the English affection for gentle lunacy. This is one of the rare movies that can be said to be for an educated audience without that being a putdown. As the host, an aging baronet who's conscious that he's losing his grip, Mason gives the film its immediacy. His face and, especially, that plangent voice are so deeply familiar that when we see him in a role that does him justice there's something like an outpouring of love from the audience to the man on the screen. His performance validates our feelings. Produced by Geoffrey Reeve; cinematography by Fred Tammes. (6/17/85) (Cinema I. No performances on Thursday, June 27.)

A View to a Kill—The James Bond series has had its bummers, but nothing before in the class of this one. The villain, Christopher Walken, is the ultra-blond psychopathic product of a Nazi doctor's experiments, and his major endeavor is to flood Silicon Valley. All that keeps the picture going is that it needs to reach a certain heft to fit into the series. With Roger Moore in his seventh go-round as Bond, Grace Jones, Tanya Roberts, Patrick Macnee, Patrick Bauchau, and a stunning young model named Alison Doody. Directed (dispiritedly) by John Glen. (6/3/85) (Loews 34th Street Showplace, Loews New York Twin, Loews Orpheum, and Loews Astor Plaza. . . . ¶ Loews 84th Street Sixplex; through June 20.)

What Have I Done to Deserve This!—This Spanish film by the bad-boy writer-director Pedro Almodóvar has an Off Off Broadway informality. It's a generally likable dadaist farce about working-class family life in Madrid's housing projects—huge block buildings of dinky, cramped apartments. The heroine, Gloria (Carmen Maura), drags herself through eighteen-hour days with the help of No Doz and an occasional sniff of glue or detergent. Her taxi-driver husband is a gifted forger and is involved in a scheme to fake Hitler's memoirs. The picture is like a slaphappy comic-strip version of "The Threepenny Opera." In Spanish. (6/3/85) (Quad Cinema.)

Witness—An eight-year-old Amish boy (Lukas Haas), on his first trip to a city, sees a murder taking place in the men's room of Philadelphia's Thirtieth Street train station. In order to protect the boy and his widowed mother (Kelly McGillis) from the killers, the police captain (Harrison Ford) who's in charge of the investigation tries to hide their identities, and, with a bullet wound in his side, drives them back to their farm in Lancaster County before he collapses. Directed by the Australian Peter Weir, the movie seems to take its view of the Amish from a quaint dreamland, a Brigadoon of tall golden wheat, and to take its squalid, hyped-up view of life in Philadelphia from prolonged exposure to TV cop shows. With Alexander Godunov, Patti LuPone, Josef Sommer, Danny Glover, and Jan Rubes. (2/25/85) (D. W. Griffith, 23rd St. West Triplex, and Embassy. . . . ¶ Greenwich Playhouse; starting June 21.)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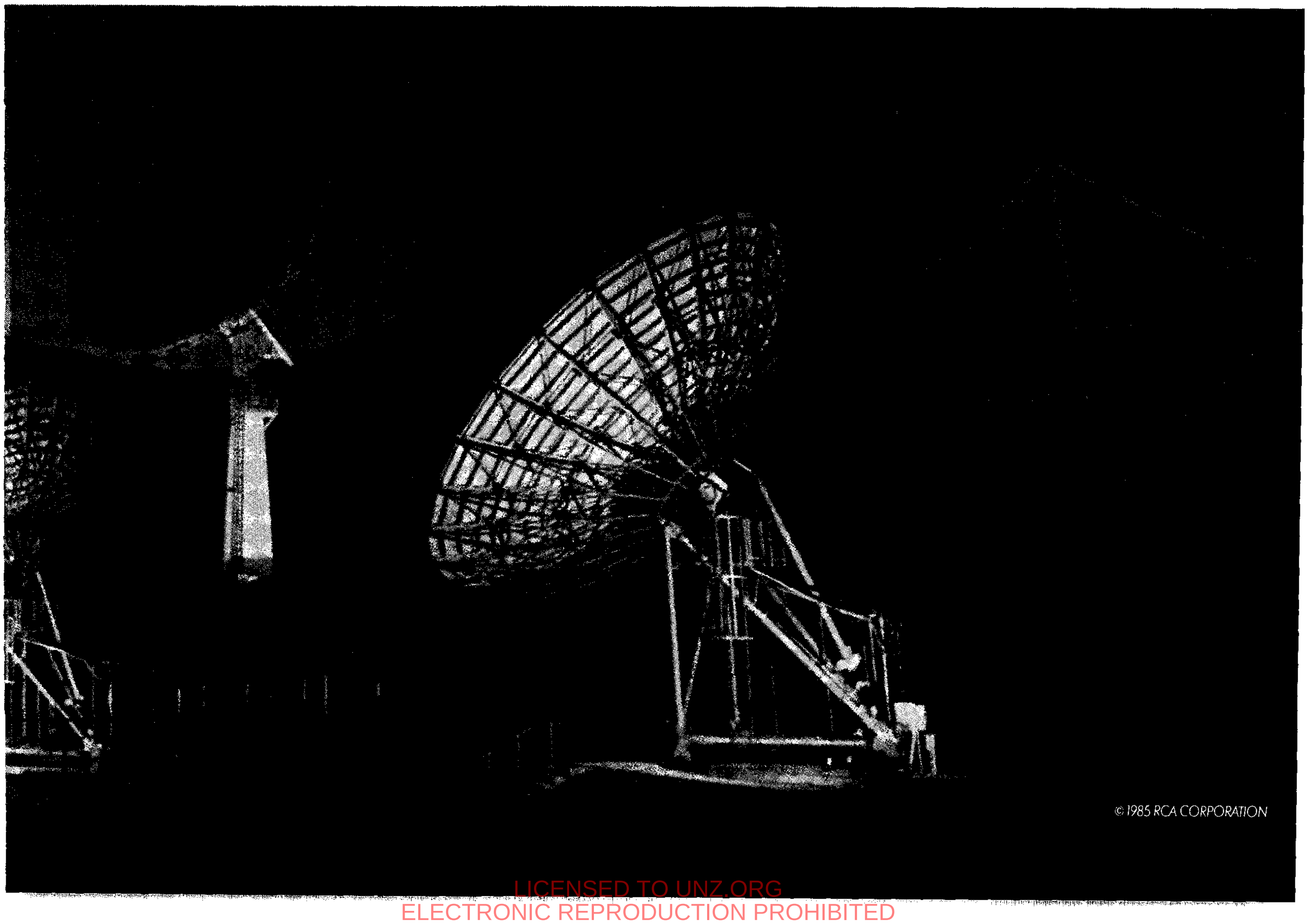

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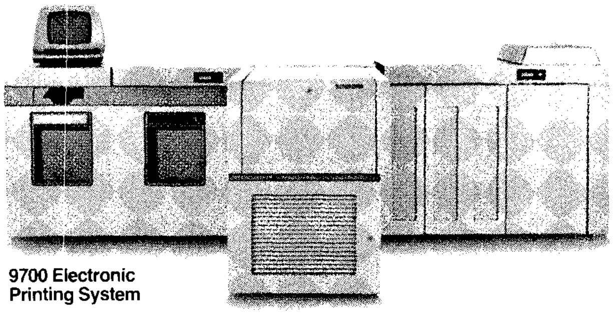

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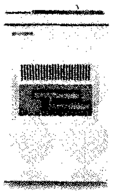

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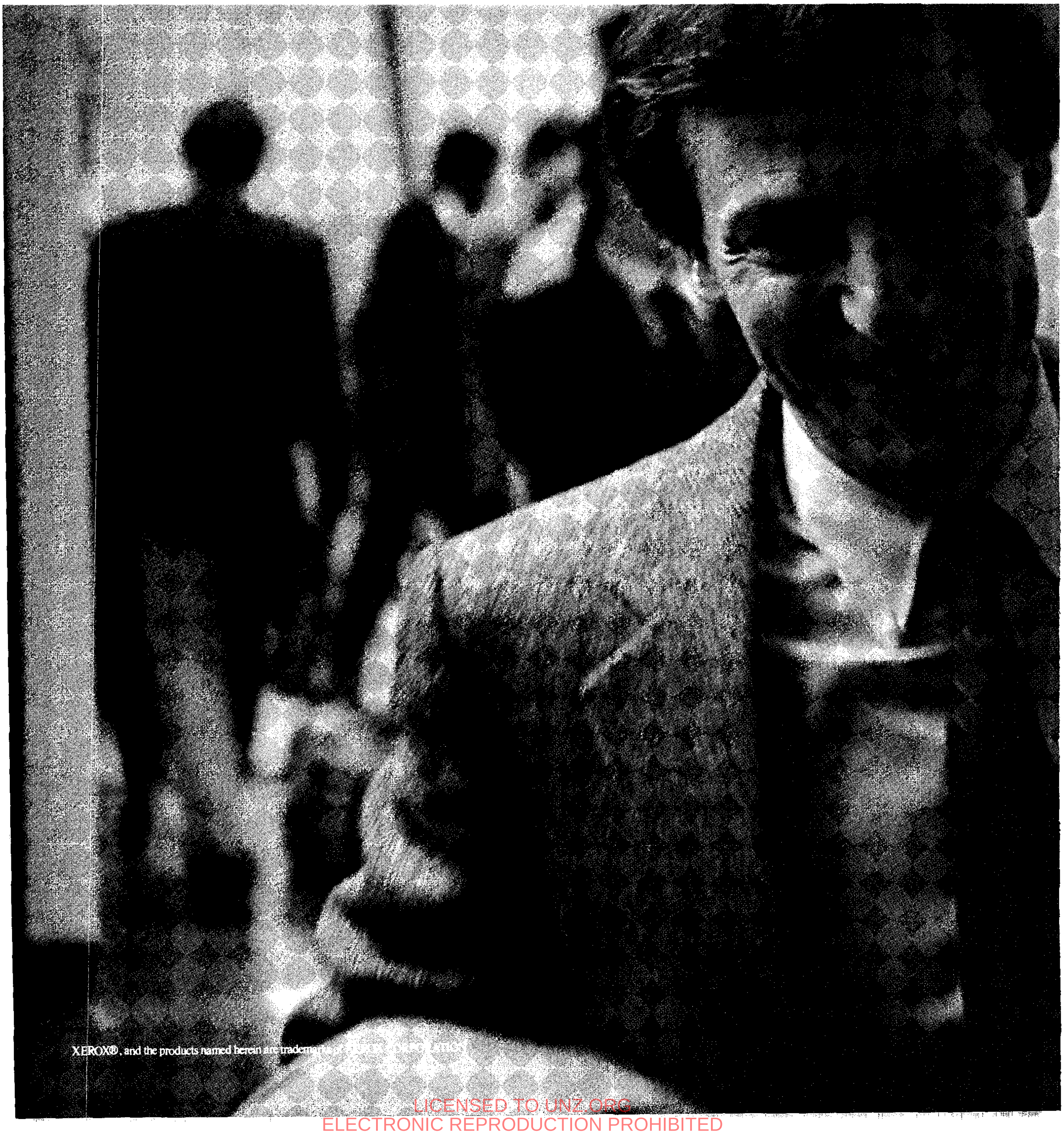

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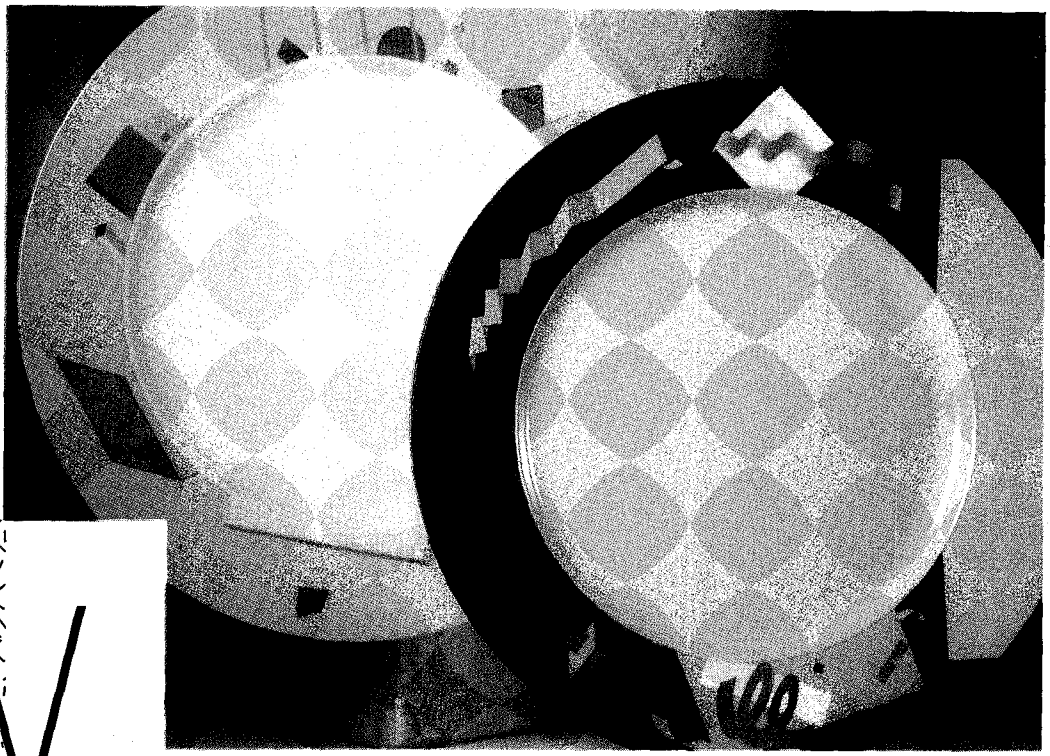

When architects turn from plate glass windows to china plates, the results are right up our alley!

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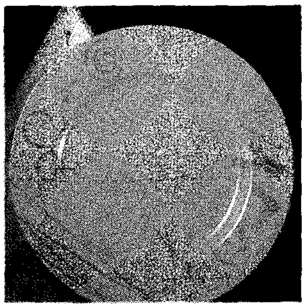

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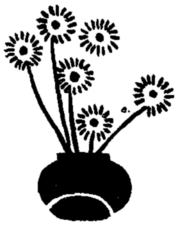
THE NEW YORKER

THE TALK OF THE TOWN

Notes and Comment

THERE are few stories in the annals of modern diplomacy as peculiar as the career of the SALT II treaty, whose terms, President Reagan recently announced, the United States would continue to abide by. In order to stay in compliance, the President decided, the United States will dismantle a nuclear-missile-bearing Poseidon submarine before launching the next newer-model Trident submarine. The treaty, signed in 1979 by President Jimmy Carter and President Leonid Brezhnev (an event accompanied by a memorable embrace between the two men), subsequently seemed to face nothing but trouble. When the Soviet Union invaded Afghanistan, in late 1979, President Carter withdrew it from consideration for ratification by the Senate—where it was already opposed by a coalition of doves, who believed that it was not restrictive enough, and hawks, who believed that it granted advantages to the Soviet Union. Then, in the Presidential election of 1980, Ronald Reagan campaigned against the treaty, calling it, among other things, "fatally flawed." By the time Reagan was elected, the treaty—orphaned by its Presidential progenitor, opposed by hawk and dove alike in the Senate, and rejected by the new President—was surely one of the most thoroughly trampled-on documents of our era. Yet it survived. When Reagan arrived in office, he apparently discovered that the flaws were not fatal after all, and informally agreed to abide by its terms. While the rhetoric was heading in one direction, policy, it turned out, was heading in another, and both the United States and the Soviet Union have since abided by the treaty just as if it had been signed. (Some Americans have charged the Soviets with violations, but the Soviets deny the charge, and in any case it is not clear that ratification would have prevented the Soviets from engaging in the disputed activities.)

This whole performance invites a question, which can be phrased in one of two ways: (1) Why, while abiding by the treaty, does the Administration denounce it? (2) Why, while denouncing the treaty, does the Administration abide by it? Some answers may be suggested by a broader pattern of behavior in American foreign policy in the past few years. Never in peacetime, perhaps, have the statements of our government officials been more relentlessly bellicose. Yet their actions have been comparatively cautious. To hear them talk, one might suppose that they were chafing to throw off a yoke of military constraints imposed by a whole series of weak, soft-willed predecessors. But by and large the constraints have remained in place. Our recent military involvement in Lebanon is a case in point. At one moment, the President perceived a threat to the United States' "credibility on a global scale" if we withdrew our forces from Lebanon without achieving our objectives. The next moment, though none had been achieved, the withdrawal was announced (with few noticeable consequences for our global credibility, though our position in the Middle East was decidedly undercut by the whole exercise). Something similar has been going on in Central America lately. Administration spokesmen have repeatedly told us that the stakes in that region are nothing less than apocalyptic. The President, to give just one example, has called the struggle there "the transcendent moral issue of our time." Yet all that his Administration has asked for is a few tens of millions of dollars in so-called "humanitarian aid" to the forces fighting the left-wing Nicaraguan government. (Supplying soldiers in the field with anything but weapons now apparently counts as a sort of charity enterprise.) It might seem at first glance that our invasion of Grenada was a departure from the pattern—an instance in which the tough talk was accompanied by truly tough action. However, a closer look suggests that in fact Grenada confirms the general rule, for that island, with a population of a mere hundred thousand or so, was incapable of mounting serious military resistance to the armed forces of the United States. Invading it thus afforded an opportunity to *appear* tough (taking over a whole country and overthrowing its government) while paying only a modest price. So although the invasion did demonstrate the freedom of the executive branch of government to take military action virtually on its own it also demonstrated the limits on that freedom. The main limit, it seemed, was on the number of casualties that could be risked.



Looking over this record, one is left with a feeling that we have been indulging ourselves in tough, and even reckless, talk, as though to escape in the world of appearances (very much including our image in our own eyes) from the limits on military action which are imposed on us in the real world, in which major wars run the risk of putting an end to our species, and minor ones are likely to run into the fierce and protracted resistance of newly nationalistic local peoples. It may be that this divided impulse that leads us to talk tough but act cautiously is a legacy of the Vietnam War, which apparently left the country both eager to reassert its military prowess (to "win one," for a change) and unwilling to pay the attendant price. The public, it seems, felt a generalized, almost abstract longing for tough behavior somewhere but also a countervailing visceral caution when it came down to intervening in any particular situation. Whatever the explanation, the tension between pronouncement and action has seemed to grow particularly acute in recent months. In the discussions of our Latin-American policy, officials have become distressingly explicit and detailed about plans for supplanting "humanitarian aid" in Nicaragua with an invasion of that country by American forces. In the realm of negotiations on nuclear arms, too, fateful decisions are looming. The unsigned SALT II treaty will expire in December, and another decision will have to be made on whether or not to abide by it. Meanwhile, the President's Strategic Defense Initiative ("Star Wars") threatens to conflict with the only other substantial negotiated restraint on the deployment of nuclear arms—the provision in the SALT I agreement which forbids further development of anti-missile defenses. And here a decision will have to be made on whether to moderate the tough talk to bring it in line with prudent action, in which case nuclear-arms control will go on, or even be strengthened, or to stiffen action to bring it in line with the tough talk, in which case every restraint ever negotiated on the growth of nuclear arsenals could be swept away.

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A West Side Primer

A IS for Adler, Cyrus. He is the president of the Shorewalkers, a band that hikes along the six hundred miles of coastline surrounding New York City. Last week, he led a contingent of nearly a hundred from the Battery to the George Washington Bridge—an eleven-mile stretch of rotting piers and park promenades and abandoned railroad rights-of-way. Mr. Adler used to work in electric vehicles, until the field collapsed.

B is for the Bos'n's pipe that Mr. Adler sounded each time he wanted the group to resume full speed ahead.

C is for the Confused look on the face of the doorman at the Vista Hotel (at the World Trade Center) when all those people with knapsacks hiked into his lobby to fill their canteens.

D is for Mr. Adler's Dream, a Hudson River Shore Trail that would run all the way to the flank of Mt. Marcy, in the Adirondacks, where Lake Tear of the Clouds forms the headwaters of the Hudson. Mr. Adler climbed Mt. Marcy last summer, and later buried beneath the George Washington Bridge the socks he had worn on that expedition. "I got to the bridge at sunset, and this guy was digging a large hole to bury his gerbil, which was named Gerb. And I said, 'Can I bury my socks, too?' And he said 'Sure.' "

E is for Elevators. One Shorewalker, a portly man wearing shorts and hiking boots, told us that the major problem with Manhattan was the amount of time it took to get in and out of the city. He suggested that some elevators be dismantled and their shafts used to launch "rocketlike devices."

F is for the Fog that shrouded the trek from start to finish.

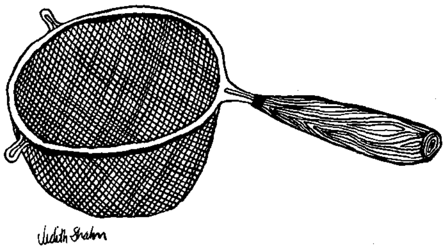
G is for Glory, Morning. Mr. Adler used to belong to the Morning Glory Underground, a group that planted morning glories all over Manhattan. "A lot of more officious gardeners consider morning glories to be weeds," he said. "I guess that is because they grow by themselves if you leave them alone."

H is for the Hudson—mighty river, lots of boats, several bridges.

I is for the IND, which whisked us home from 181st Street.

With Fellini

Federico Fellini, the one-of-a-kind moviemaker, came to New York the other day to be honored by the Film Society of Lincoln Center in its annual tribute to a film artist, and here with him for a few days was his one-of-a-kind gang: his wife, the actress Giulietta Masina (star of the Fellini movies "La Strada," "Nights of Cabiria," and "Giulietta of the Spirits"); Marcello Mastroianni (star of the Fellini movies "La Dolce Vita," "8½," and "Ginger and Fred," a still uncompleted one, in which he appears with Miss Masina); the actress Anouk Aimée (star of "La Dolce Vita" and "8½," and also well known for her Claude Lelouch-directed movie "A Man and a Woman"); and various advisers, helpers, and experts on things American and many other things. We hadn't seen Fellini and the gang in several years, and so we were delighted when Fellini asked us to join them as they set out, the morning after their arrival, in a cavalcade of limos heading for Darien, Connecticut, and the country home of Dorothy Cullman, chairman of the F.S. of L.C., who had invited the whole gang, including us, for a typical Sunday-afternoon visit to her remodelled eighteenth-century Colonial house with grounds and pool. The visit was scheduled to include the obligatory swim, the quintessential tour of what-was-there-before and what-is-there-now, and a good meal. Fellini, gray-haired, ageless as ever, and nattily decked out in as preppy an outfit—navy-blue blazer with gold buttons, gray slacks, black loafers, white shirt, red silk tie—as has ever appeared in Darien, directed us to sit in the limo with him, Miss Masina (she was up front with the driver), Miss Aimée, and Mastroianni. Northward we went, followed by the others, who included a full complement of tribute workers, an admirably efficient bunch: Joanna Ney, public relations; Vivian Treves, interpreter; and Wendy Keys, co-producer, with Joanne Koch, of the whole shebang, to be put on in Avery Fisher Hall the following night. There were lots of high-spirited "*Ciao!*"s and laughter and the Italian equivalents of "Get a horse!" from those in our limo to those in the one behind us, and then Fellini settled down. He called to his wife up front, asking whether she was tired, and she replied, keeping her eyes on the road ahead, that she was never tired when she was happy, and she was happy. Fellini gave affectionate pats to the rest of us.



"This is the first time we are all together in New York," he said. "And now we go to Conneckticut," he added, giving a phonetic rendition that was used comfortably by everybody thereafter.

"When we see each other, it is always the same," Miss Aimée said. More pats from Fellini, reciprocal pats from Miss Aimée, pats from Mastroianni to both of them. Mastroianni, who was wearing a cream-colored Panama hat, adjusted it to a more rakish angle. He was wearing an impeccable, creaseless cream-colored linen suit, a black-and-white striped shirt, and a black tie.

"Anouk is a good fellow," Fellini said, in his most playful manner. "She is a famous actress who makes Western pictures," he went on, to us.

"Is that Conneckticut?" Mastroianni asked, pointing out the window at New Jersey as we drove up the Henry Hudson Parkway.

Fellini pointed in the opposite direction, at Grant's Tomb, and we identified it for him.

"Cary?" Miss Aimée asked, looking stricken.

We explained Ulysses S., and everybody looked relieved.

"We go to swim, and we will have a big lunch," Fellini said. "Soon we will see Conneckticut."

We asked Mastroianni whether he had seen any of the rushes of "Ginger and Fred," which is not about Rogers and Astaire but about two dancers who call themselves Ginger and Fred.

Mastroianni said he never goes to see rushes, because they are shown at night, after shooting, at the time he likes to go out to dinner. "Anyway, is *his* problem," he said, with a Mastroianni-charming smile-cum-shrug at Fellini.

"Is *my* problem," Fellini said. "I leave 'Ginger and Fred' with four more days of shooting to shoot, and fly to New York, and is *my* problem to go back and finish 'Ginger and Fred.' But is worth it to see Conneckticut."

There was a brief discussion about getting into bathing suits in Darien, and Mastroianni referred affectionately to the fact that Miss Aimée was still thin. More pats from Mastroianni for Miss Aimée, who laughed and tossed her hair back off her face.

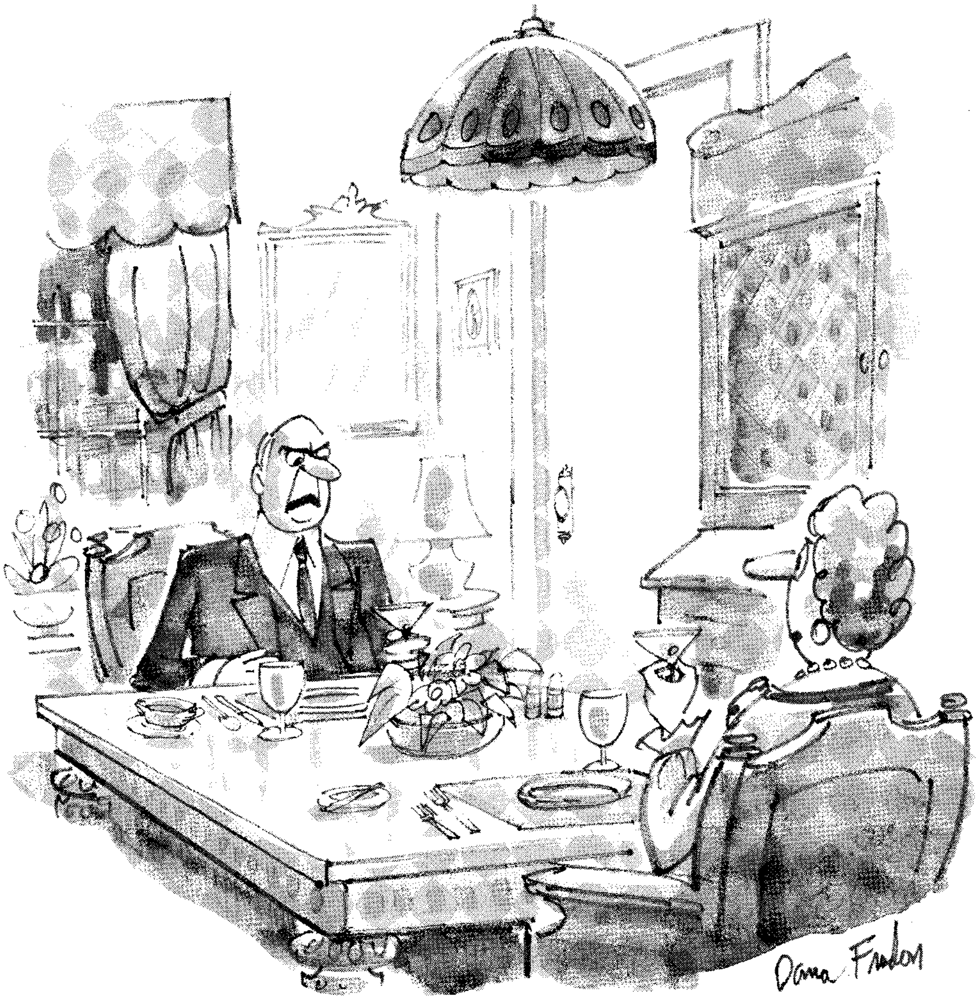
"Do you remember, when we made 'La Dolce Vita,' on location in that tough neighborhood, I didn't know Italian then, and I heard the young men hanging around and shouting at you?" Miss Aimée said to Mastroianni. "Then I learned later they were shouting, 'Be careful, Marcello! You will hurt yourself holding her! She has too many bones! Give her food, Marcello!' "

"That place was full of thieves," Fellini said. "We had to pretend we were leaving, and we had to sneak back in the middle of the night, but the thieves all came back, too."

"Look at the trees!" Mastroianni called out, pointing at the countryside. "Look! There's Conneckticut!"

Not yet, we said.

Miss Aimée told us that she was going to work next making a sequel to "A Man and a Woman," on its twentieth anniversary.


"Damn! I forgot to tighten the screws on old Sedgewick today."

Mastroianni put on a mock-doleful expression. He told us that in the mid-sixties Miss Aimée had called him in Rome from Paris to say she was going to make "A Man and a Woman," and had asked him to join her, playing the part later taken by Jean-Louis Trintignant. "She say to me a young director, unknown, no money; she plays a widow; I play a widower. I say no. I made a mistake."

"Two Academy Awards," Miss Aimée said, with a laugh. "Best Foreign Movie, Best Original Screenplay."

Connecticut! Everybody looked out at the Colonial-style wooden houses, some painted yellow, most painted white. Mastroianni wanted to know why so many Colonial houses were built of wood, unlike the old houses in Italy, which were built of stone.

Everybody looked bewildered.

"We go to the house of Dorothy Cullman, and we ask Dorothy Cullman why," Fellini said decisively, and everybody looked at ease again.

Destination reached: a light-beige-painted clapboard house with white trim, built around 1720, overlooking a slope of weedless, perfect lawn, as long as a city block, that was surrounded by weeping willow, apple, ash, dogwood, and Japanese white pine trees and led down to a waterfall and a huge, pondlike swimming pool with a Japanese-style boathouse in front of it. Here and there on the lawn were wooden sculptures, some of them abstract and some in the shape of people or birds. Up a white-and-tan pebbled walk Fellini and the gang strode—like characters in Fellini movies—toward the house, and we were all greeted on the walk by the hostess, an attractive woman with a very pale face. She wore an ample peach-and-white antique Japanese kimono over a white cotton jumpsuit, and she had on flat-heeled white sandals. On her wrists she wore handsome matching wide antique Indian bracelets of ivory and silver. She extended both hands to the guests.

"An apparition!" Fellini whispered in awe.

"Welcome, Mr. Fellini, I'm Dorothy Cullman," she said. "Lewis, my husband, has just taken our cook to the hospital, because our cook was suddenly taken ill. But I promise you there will be lunch."

Fellini kissed one of Mrs. Cullman's outstretched hands, Mastroianni kissed the other, everybody relaxed, and we were off on Sunday-in-the-country. In a glassed-in addition to the old house, with a complete view of the lawn, trees, sculptures, pool, and Japanese boathouse, we munched on crabmeat on apricot halves and pâté on toast, and chose drinks. Miss Aimée said that water would be fine, but Mrs. Cullman said, "No, no, no, you don't have to drink water—we have orange juice," so Miss Aimée took orange juice. Mrs. Cullman said that it seemed to be hot and the gentlemen might want to take off their coats, but Fellini and Mastroianni said they wanted to keep their coats on. Mrs. Cullman said that she had bought her peach-colored kimono and another one, just like it, to use as covers for her living-room cushions. Glass panels on three sides of the room were sliding doors; Mrs. Cullman slid them open, and everybody exclaimed over the view. Mr. Cullman appeared, wearing bluejeans and sneakers and an Italian striped cotton shirt, and reported that the cook was now healthy, so he had brought the cook back to the kitchen.

Mrs. Cullman sat down next to Fellini and said, "I have only two Italian words—*molto bene*."

Fellini smiled politely and lifted a crab-filled apricot half in a gesture of salute to her. "*Molto bene*," he said.

Mr. Cullman reappeared, now wearing a cream-colored Issey Miyake sweater shirt, cream-colored slacks, and white loafers, and led everybody on a tour of the old part of the house. "This is our pizza oven," he said, with an air of amusement, indicating a large fireplace. "This was the kitchen, and that other room was the parlor, where the minister came, and there are two bedrooms upstairs."

"Pizza oven," Fellini said, looking thoughtfully at Mastroianni, who gave his charming smile and shrug. Everybody regarded the fireplace with admiration.

Gang members from the other limos arrived and joined the tour, which wound quickly back to the room with the view.

"The rooms were small," Mr. Cullman said. "With low ceilings, to keep them warm on cold nights."

"Yes, very cold in Conneckticut," Fellini said sympathetically.

Mr. Cullman looked pleased. "The farmhouse, when it was first built, had only four rooms," he said. "Now we've got eleven."

"Very cold on a farm," Miss Aimée said.

Miss Masina said that the pâté on toast was very tasty, and she smiled gratefully at the host and hostess. Mr. Cullman invited Fellini to take off his coat, but Fellini graciously again said no. Mr. Cullman pointed up to the ceiling beams. "I got those beams from this guy who buys old farmhouses," he said to Fellini. "There's this guy Weiss, in Roxbury. Collects old barns, old timbers."

Fellini nodded respectfully.

"Why all the houses made of wood, not stone, in Conneckticut?" Mastroianni asked.

"Plenty of wood in this part of the country," Mr. Cullman said.

"I thought wood because the pioneers moved all the time—away from the Indians," Mastroianni said, acting the part of an Indian shooting an arrow at Mr. Cullman.

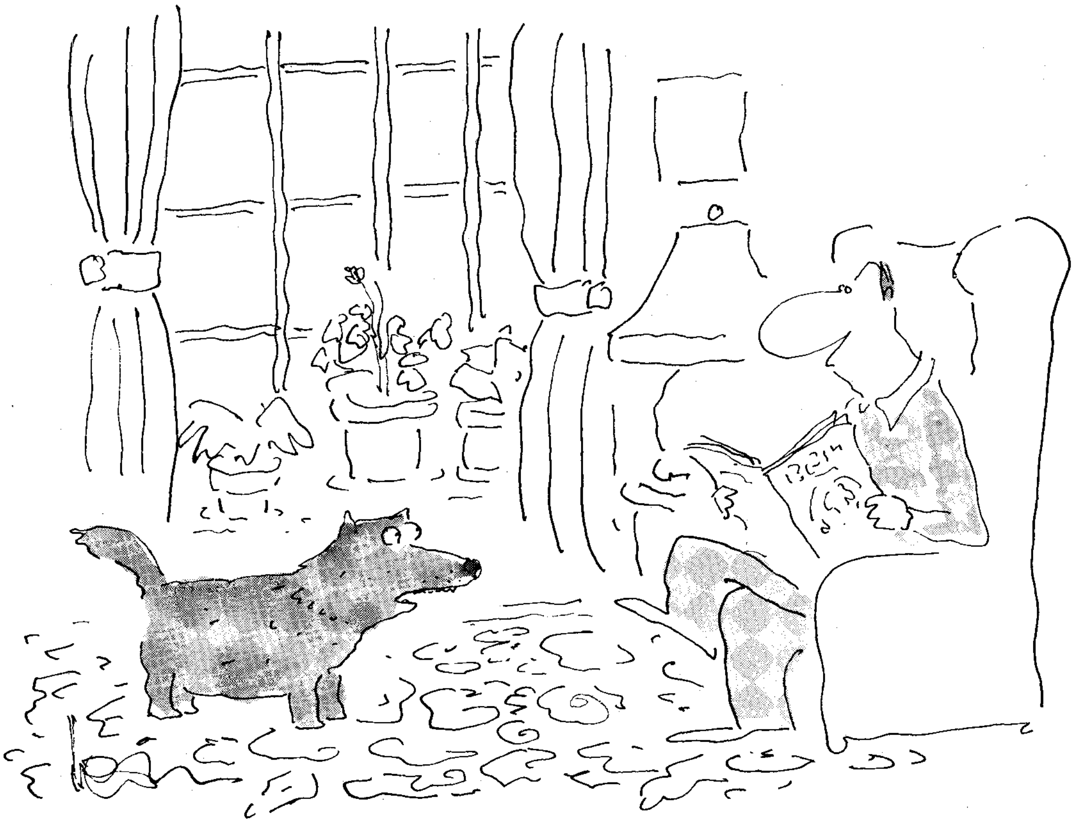
"Yeah," Mr. Cullman said.

Led by the host and hostess, the gang then trooped down the grassy slope to the boathouse, where Mr. Cullman pointed to a narrow wooden canoe hanging under the Japanese eaves. "It's a New Guinea canoe," Mr. Cullman said as the gang stared solemnly at the canoe. "Dorothy bought it there from a native for six dollars. It cost a hundred dollars to ship it home." He laughed heartily, and the gang coöperatively joined in with mild laughter.

On the boathouse deck, Miss Masina pushed some hanging Soleri bells, and they jangled, so she pushed them harder.

"The Whitney used to sell them," Mr. Cullman said. "Who's for a swim?"

Fellini looked at Mastroianni, who looked at Miss Aimée, who looked at Miss Masina, who turned from the bells, and all shook their heads. One gang member's son, age nineteen, said all right, he'd take a swim, and he



"I'll be taking a nap. If anyone tries to break in, bite 'em."

did, while everybody else, still looking solemn, silently watched him. Mr. Cullman called to the young man, asking him what he thought the temperature of the water was. About sixty-eight degrees, the young man called back. Mr. Cullman said it should be at least seventy-two degrees, and called to the young man to get the pool thermometer and take the temperature of the water. The lone swimmer took the temperature and reported that it was sixty-eight degrees. The silent gang nodded with distress at this news. Mr. Cullman remarked that the pool held a million gallons of water. Everybody looked obligingly bowled over. Then everybody trooped up the green slope toward the house as Mr. Cullman briefed us on the sculptures. "Recognize the bird?" he said. "It's a Senufo piece, from Africa. Dorothy found it somewhere."

RED
WHITE
BLUE
MANKOFF

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Back in the house, the gang again got to work on the crabmeat and the pâté. Mrs. Cullman sat with Fellini and discussed travel.

"You haven't spent much time here, Mr. Fellini," Mrs. Cullman said.

"In 1957, I came for some producers, as the guest of them," he said. "They gave me people to show to me anything I want to see, and they said, 'Do what you want.' What I want was to go back to Italy, so I left. In the plane, as we flew away from New York, I looked down, and I felt very moved, very guilty that I was leaving."

"Do you find when you travel that you're too close to it, and that later you feel differently about it?" Mrs. Cullman asked.

"Language is the medium for the relationship to reality," Fellini said, looking apologetic. "If I don't know the language, I feel lost."

"Would that be true in another European country?" Mrs. Cullman asked.

"Yes," said Fellini.

"Are you sure you won't take off your jacket?" Mr. Cullman asked.

We had a bite of crabmeat. Fellini came over. "Don't eat too much," he said. "These are only the hors d'oeuvres. There will be a lot of food."

He was right. He knew the script. The meal that followed was terrific: curried chicken, seafood pasta, steamed mussels, steamed clams, green salad, white wine, three kinds of cake, ice cream, candied-ginger sauce, fresh fruit, and espresso. Everybody ate for two hours. Then everybody hugged Mrs. Cullman and shook hands with Mr. Cullman and said very enthusiastically, "Thank you very much. Goodbye."

In the limo on the way back, Wendy Keys, the director and co-producer of the tribute, explained to Fellini how the program in Avery Fisher Hall would go—with projections of clips from his movies interspersed with three-minute speeches from Mastroianni, Miss Masina, Miss Aimée, Donald Sutherland, Martin Scorsese, and others.

"It will be pictures, people, pictures, people, et cetera, and, at the end, you," Miss Keys said.

"I want the Rockettes," Fellini said.

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THE next night was a black-tie occasion. Before the program started, Fellini ran into Mr. Cullman, whose bow tie, with his tuxedo, had spectacular blue polka dots the size of dimes on a bright-red background.

"It is the tie of a Connekticut Yankee," Fellini said knowledgeably.

The tribute went off nicely. It was pictures, people, pictures, people, et cetera, and then Fellini, who read a short speech: "My dear American friends: You are truly a simpatico people, as I always suspected since I was a child. . . . In the small movie house of my village—with two hundred seats and five hundred standing room—I discovered through your films that there existed another way of life, that a country existed of wide-open spaces, of fantastic cities which were like a cross between Babylon and Mars. Perhaps, thinking about it now, the stories were simplistic. However, it was nice to think that despite the conflicts and the pitfalls there was always a happy ending. It was especially wonderful to know that a country existed where people were free, rich, and happy, dancing on the roofs of the skyscrapers, and where even a humble tramp could become President. Perhaps even then it wasn't really like this. However, I believe that I owe to those flickering shadows from America my decision to express myself through film. And so I, too, made some films and gave life to some flickering shadows, and through them I told the story of my country. And tonight I am extremely touched to find myself here, together with my beloved actors, and honored by the people who inspired me in those old years."

THE NEVADA SCHOOL OF ACTING

YESTERDAY, at the laundromat, a man I didn't know asked me to wash his clothes.

"Maybe he thought you worked there," my mother, Val, says.

"No, he didn't," I tell Val. We're talking about this while we're eating lunch with my brother Sonny and his girlfriend, Irene. Sonny just got out of the Southern Nevada Correctional Center—he was in for six months for robbing a supermarket.

"He could have thought you were someone else, Sherri, or maybe he was crazy," Irene says. "Maybe he asks people to wash his clothes all the time."

"Has anyone ever asked you that?" I say.

"Only Sonny," Irene says.

"Sweetheart," Val says, "this isn't something to cry about, is it?"

I blow my nose into my napkin. I'm embarrassed to be crying in front of Sonny and Irene. "I'd just like to know what it is about my looks that makes strangers think I'd do their laundry," I say.

My mother puts her arms around me. She is a normal-sized person, and I weigh eighty-two pounds. "I developed late, too," Val tells me, "but I survived it. I studied hard in school and waited for my body to change, and then I got married."

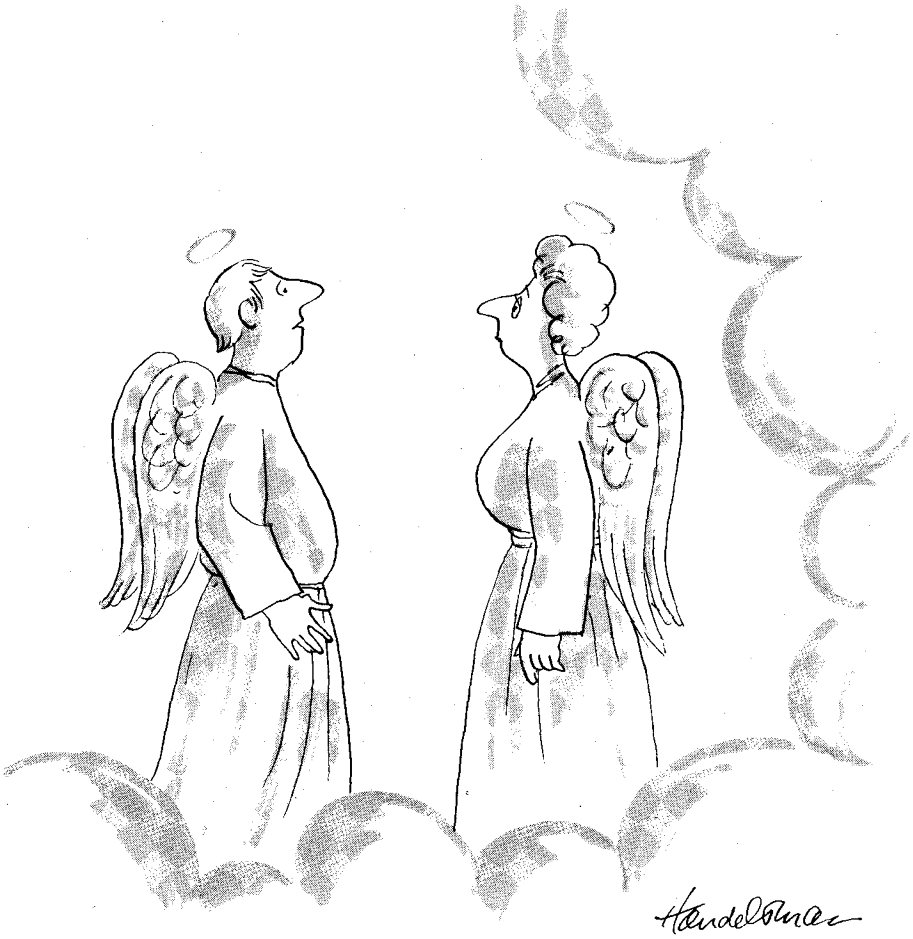
"I studied hard in school and then I got into trouble," Sonny says.

Val takes off her glasses and looks at him. "Sometime I'd like to pin you down on this, Sonny," she says, "and find out what went wrong."

"Somebody called the police," Sonny says.

AFTER lunch, Val drives into Winston to buy groceries, and I calm down and read a book called "Superstar Make-Overs." I've just started high school, and there are all those imitation movie stars walking around the hallways. I try not to say or do anything that would seem bizarre on, for example, "Dynasty," so that I will fit in. There is a boy I like who is good-looking enough to be a rock star.

I'm in the kitchen thinking about this boy when my stepfather, Richard, drives up. He has a drink with him, in a plastic cup, and he sits on the hood of his car, drinking and looking out at the desert. He lets his moccasins slide off his feet. He drinks too much, which Val says is because he's unhappy. I tap on the window to get his attention, and he waves to me slowly, as though he's underwater. He comes into the house and watches a "Leave It to Beaver" rerun with Sonny, Irene, and me.



"Would you mind saying we 'passed away'? I'd feel a lot happier with the euphemism."

"I'd like for us to have a house just like theirs," Irene tells Sonny, "only with a hot tub in the back yard."

"And without Eddie Haskell," Sonny says. "I met enough Eddie Haskells oiling around in prison."

"Eddie Haskell never went to prison. What are you talking about?" Richard says. "I bet you're thinking of 'The F.B.I.' "

"I'm just thinking of real life," Sonny says.

When the program is over, Irene and I go into the bathroom with her makeup kit.

"I'd like to try this mauve eyeshadow on you," Irene says. "It will look great."

"I don't expect to look beautiful," I tell her. "I just don't want to stand out as being extra ugly."

Sonny is sitting on the edge of the bathtub to keep us company, reading the want ads. "Here's a job for a security guard at a bank," he says. "I guess they wouldn't want me."

"The trick is to look good without anyone knowing that you care so much about looking good," Irene tells me.

"Let me ask a question," I say. "Is there anything you can care about that is O.K. for people to know you care about?"

"Not in high school," Irene says. "Except for maybe Bruce Springsteen."

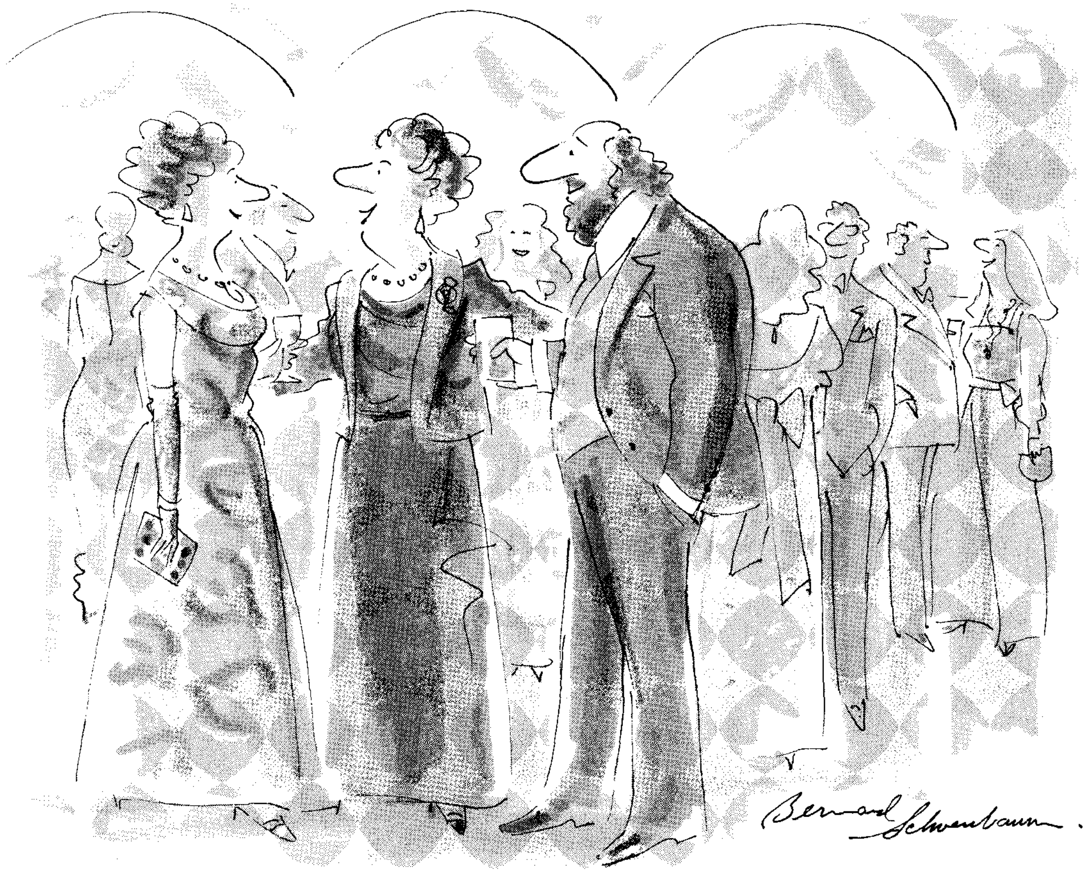
She is doing something to my hair to make it stand out from my head in all directions like antennae. "This will give you more height," she says.

Sonny has put down the paper and is staring at my head.

"What's wrong?" I ask him.

"Well, nothing," Sonny says. I pick up a towel and drape it over my head.

WE spend the rest of the afternoon out in the desert with Richard, who is trying to find snakes to shoot with his .22. Sonny holds the gun while Irene, Richard, and I look for snakes. Richard has had too much



"This is Dr. Emmett Walters, one of our most eminent authors and scholars, at forty-five."

• •

to drink to hold the gun himself.

"Let's throw darts instead," Sonny tells Richard. "Me and Irene against you and Sherri."

"No, thanks," Richard says. "I'm not in the mood."

"I wish Val would come home," I tell Irene. She and I have just seen a snake and have headed Richard in the opposite direction. He makes a grab for the gun, which throws Sonny off balance for a minute and scares everybody.

"Please don't do that again," Sonny tells him.

"I'm not drunk," Richard says.

"Maybe you're just a little drunk," Sonny says.

"Sherri," Richard says, "do you think I'm drunk?"

"I think I don't want to spend one more second looking at snake holes," I tell him.

Richard shades his eyes and watches a car pass by on the highway.

"That's probably Ward Cleaver, taking his kids to the arcade," Sonny tells Richard, who watches the sand and dust rise on the side of the road until it clears, and then walks home.

IN the evening, I'm listening to sixties music in my room and examining my wardrobe when Sonny comes in and sits on the floor.

"I'm really tired," he says. "I forgot how weird things can be in everyday life."

"You had a lot of girlfriends in high school," I tell Sonny. "Did you ever go out with anyone as abnormal as me?"

"I never went out with anyone as normal as you," he says. "I did go out with girls bigger than you, if that's what you mean, but that was just by accident."

The phone rings, and it's for me. I take it in Val and Richard's bedroom, and then go back to my own room.

"Who was that?" Sonny says.

"Kim Kosky, Luann Hoblitzel, Reenie Shaughnessy—girls from school. They wanted to know why I'm so ugly."

"Come on," Sonny says.

"You don't make this kind of stuff up, Sonny. They said, 'Why don't you have dates?' They call up about once a month. They wait until they think I've forgotten, and then they do it again."

Sonny doesn't say anything.

"They may as well just shoot me," I say.

"Let's drive into town with Irene for some ice cream," Sonny says finally.

THE boy I like is walking through downtown Winston with his arm around a girl. I crouch down in the back of Sonny's VW while Irene runs in for the ice-cream cones, and then I make Sonny drive home the long way.

"Maybe you feel like telling us who that person was," Sonny says once we're out of town and I'm off the floor of the car.

"Just this famous movie producer who wants to make me a star," I say, even though I once read in a book that it's important to face up to whatever horrible things are happening to you. The author didn't think that was too much to ask of human beings.

Irene turns on the radio—really loud, because the top is down. We listen to Julio Iglesias and Willie Nelson thank all the women they've loved. In front of us, there are flashes of lightning, and behind us the lights of Winston are slowly beginning to go out. By the time we're home, the lightning is closer and we can hear thunder. Richard has passed out on the couch, and Val is removing his shoes and socks. I go outside to help Sonny put up the top of his car.

"I bet it's already raining in the mountains," he says.

"What did you act like in prison?" I ask him. "Like everything was all right?"

"Like everything was going to be all right," Sonny says. —JUDY TROY

•

ANTONIUS STRADIVARIUS violin. 7 years old. Excellent condition. Best offer.—*Adv. in the San Diego (Calif.) Pennysaver.*

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KARAGHALA'S DAUGHTER

"KARA for Karaghala. Nagy for Pronagy. How do you like it?" Johanna's father thrust out his chin to see if the name would suit his face. Observing the fit of a new white linen jacket on his long-waisted figure, she couldn't help thinking he should have been in pictures.

"Hollywood?" she asked.

"Virginia," he said. "When you graduate."

"And who will I be in Virginia?"

"You'll be Jo Nagy. You'll live with me beside a millstream, and drive a Karmann-Ghia." He chuckled until his mouth and eyes became the resolute slits of his will.

And six months later her father's prediction had come true in every detail. There were twenty acres, bought sight unseen, on a creek that ran into the Potomac. The Karmann-Ghia was red.

"It might be like the folktale," she warned. She meant the one in which a widower takes his daughter from the city to live and work in a mill. One by one, the teeth of its wooden gears crack. All its wheels are worn smooth. Nothing turns, and their idyll is ground into country poverty.

"We have more than we'll ever need," her father promised her.

Karaghala's life had progressed as an odyssey indifferent to law. As a boy in Budapest he had lived on the Buda side, the hilly half of the double city, where he and friends rode down in the mornings on sleds to their academies along the Danube. But he had dreamed of racing down the same slopes on ice skates.

One winter he had beaten down a narrow double track in the snow. It rained, and the water froze on his piste, and he fairly flew down the trail, leaping into a snowbank at the bottom to stop himself. For days he amazed them with his daredevil trip. But one morning another boy skied back and forth across his lanes, ruining them for skates. Karaghala fought him with snow, then ice balls, then fists. He knocked the culprit down, and the boy's head made a bad and final sound.

Sixteen, Karaghala was not charged with murder. He was sent off to Austria and then Switzerland. The Hungarian government changed, and shortly afterward his family had trouble with the new regime. There was no return for him. A relief agency found him a home in America.

JOHANNA's father wouldn't travel in the same vehicle with her anymore. Her mother and brother had been killed two years before in an auto on the Pulaski Skyway. Johanna had been away at college. It was hard for Karaghala to think of the deaths as accidental. His wife and son had been in his own limousine, the one with darkened glass that hid all inside.

He drove south in a car just like it, Johanna in her Karmann-Ghia. He carried the hand luggage—the guns with the harsh German names and a case of his city-strength roach killer. She brought the dog, Georgette.

In New Jersey the guns had never been loaded, though Karaghala had kept ammunition, the cruellest kind of lead, which, he explained, could hit a finger and explode a hand. He sounded as if he knew from experience. Johanna was certain he didn't.

"We won't need the guns," she said.

"Yes," he agreed. "Because we'll have them."

"And they don't have roaches in the country."

"I'm just retiring," he told her, "not giving up."

THE Virginia retreat, an old frame farmhouse, turned out to have almost no driveway. "Twenty acres to hide in," Karaghala said, "and here I am a target right on the road."

Waiting for the moving van, Johanna and her father walked their fence line. "Too many holes," he said. "What's that?"

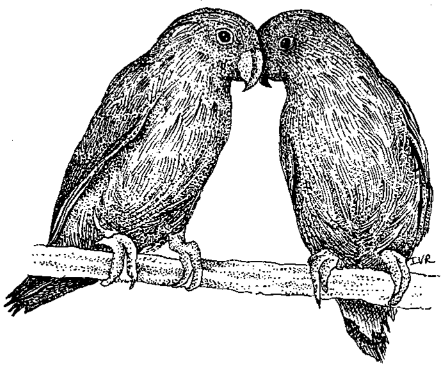
"A chicken coop," she told him.

"Where are the hens?"

"Horses jump over it."

"Onto my land?"

They walked on, Karaghala finding rotten posts, rusty and broken wire, the whole fence just a trellis for honeysuckle, and more chicken coops. "Invitations," he said. "I haven't invited anyone."



Johanna held his hand and smoothed his collar. She was going to have to explain him to the neighbors. The guns were closet pieces. He scarcely knew how to load them. He not only braked for animals but spoke to them; he used bubble bath. But how could a daughter say all this about her father without betraying him?

There was no Doberman, no German shepherd. They had Georgette, a mongrel with short black-and-brown hair, a stray that Karaghala had rescued in Bayonne, a dog with no country manners. On her first day at large in Virginia Georgette had come home after dark and dropped a chicken part at their feet. They had to tie her in the yard.

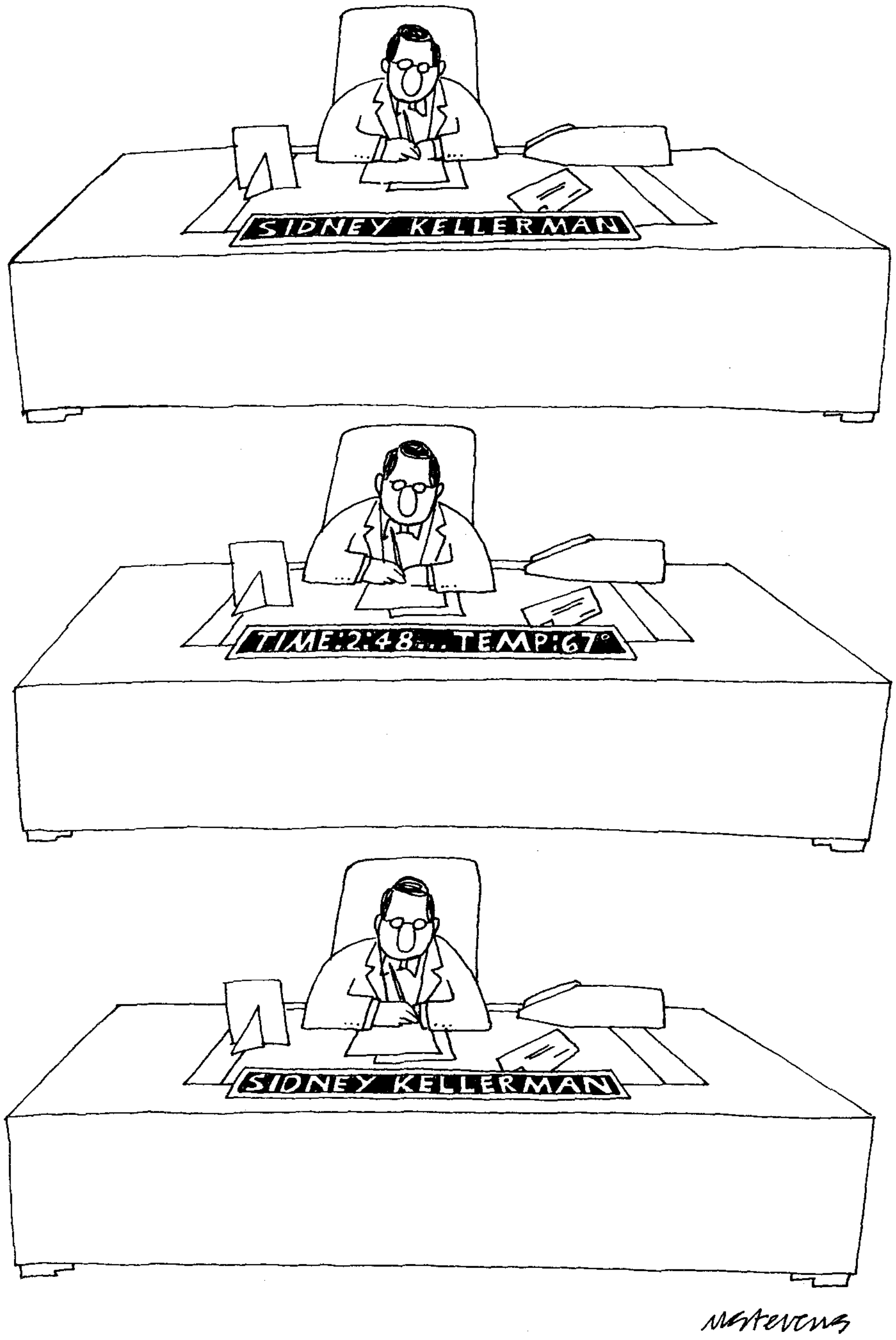
THE movers, when they arrived, were rude. Their procession over the threshold continued long after the house was comfortably full of furniture, and they sneered at Karaghala's fussing over each bump and scratch. He was counting on Johanna to see that claims were filed for loss and breakage.

She couldn't be the one to tell him it was mostly worthless stuff, cheap wood joined with staple guns. In front of the movers she felt her father was again a refugee, though this time he came with money. Plenty of it, he liked to say. Unaware of his past, how could they be charmed?

He'd told her often how he sailed from Le Havre as a boy. The relief people had pinned the address of his new family to his clothes in three places, as if they'd been mailing a package. On board he ripped the tags off, arriving in America with an independence that frightened his new parents in New Jersey.

Johanna imagined a couple too old for her father's cunning. For two years he'd suffered their awkward pity, their advice about study habits and how to behave with girls. With sufficient grammar for citizenship he fled their home to become a hustler on the meanest streets of Bayonne.

There he moved among longshoremen, his arm covered with watches, wrist to elbow, under the red and black stripes of the last of the Hungarian shirts he'd brought with him. He took such pleasure in this memory she



wished she had seen the shirt. It had been the sign of his arrival on the docks with the smallware he fenced, the watches that ticked or did not, the jewels that were or were not jewels. Because he had guaranteed things only to be what they were, his tough customers bought with a smile and at their risk, and he was never brained with a tire iron or dumped in the river.

"I couldn't get promoted in the shirt," he always said. At some point it had vanished—infested, or stolen in a Y, or thrown away when he began running dockside errands for men who drove up and down the northern end of the Jersey Turnpike in long cars. "Karaghala," he recalled them saying, "you make us laugh." As a prank he had once chained two of their bumpers together at a funeral.

"DO you love pecans?" Karaghala asked Johanna their first morning in Virginia. "You know, I've always loved pecans." He was surveying his new domain from the back door, as if just discovering a reason for owning country acres. The next day he sent Johanna to the county seat to declare his intention to plant a grove of pecan trees. The extension agent sent her home again, saying it wouldn't be approved; pecans had never been a cash crop there.

In their new home Johanna tried to walk in her mother's steps, timing Karaghala's eggs carefully and observing the old rules of laundry day. After ironing she rolled up each pair of his shorts inside a T-shirt so he could take them from his drawer together. "Hygiene twin-packs," Johanna called them. She was learning to lighten old rituals by renaming them. Her father could be very bad about changing his clothes.

When Karaghala saddened in the evenings she played backgammon with him, but never allowed his losses to become heavy. She cheerfully swept the board clear, even in the middle of a game, before he grew upset with his luck. And she made the vodka toddy for his bedside table, the same sleeping potion her mother had prepared, with a teaspoon of sugar and a garlic clove.

For the first weeks Johanna did their marketing alone. When she finally coaxed her father into the village for chores, the postmistress said, "Hello, Mr. Nagy," before he introduced himself, and a grocer asked, "How's that pretty daughter?"

He came home right away to tell her, "They already know us here."

"Of course," she said. "We're the new people by the mill, who want to plant nut trees."

First to visit them was a young man from the hunt, Roger, who sold stocks for a living, and wanted to put Johanna on a horse. His black hair and perfect teeth reminded her of her brother. He was talking to her father but looking at her. "We gallop down your hill," he said. "We come in up there and jump out at the bottom. What kind of dog is that?"

"A Bayonne," Karaghala said.

Roger told them about the sort of people he hunted with. "A little reckless. Along the Irish lines, if you know what I mean."

"I've skated down steeper than that," Karaghala said.

ROGER made plans with Johanna for a riding lesson at his stable. During the riding lesson he made plans with her for dinner at a riverside restaurant. The meal was expensive and candlelit, and after dessert he said, "Your barn or mine?" A miscalculation. She sat stonily until he asked about her father.

"Retired," she said. "But he wants to make a forest."

"The tree-farm scam! I know all

A HERMIT THRUSH

Nothing's certain. Crossing, on this longest day,
the low-tide-uncovered isthmus, scrambling up
the scree-slope of what at high tide
will be again an island,

to where, a decade since well-being staked
the slender, unpremeditated claim that brings us
back, year after year, lugging the
makings of another picnic—

the cucumber sandwiches, the sea-air-sanctified
Fig Newtons—there's no knowing what the slamming
seas, the gales of yet another winter
may have done. Still there,

the gust-beleaguered single spruce tree,
the ant-thronged, root-snelled moss, grass
and clover tuffet underneath it,
edges frazzled raw

but, like our own prolonged attachment, holding.
Whatever moral lesson might commend itself,
there's no use drawing one,
there's nothing here

to seize on as exemplifying any so-called virtue
(holding on despite adversity, perhaps), or
any no more than human tendency—
stubborn adherence, say,

to a wholly wrongheaded tenet. Though to
hold on in any case means taking less and less
for granted, some few things seem nearly
certain, as that the longest day

will come again, will seem to hold its breath,
the months-long exhalation of diminishment
again begin. Last night you woke me
for a look at Jupiter,

that vast cinder wheeled unblinking
in a bath of galaxies. Watching, we travelled
toward an apprehension all but impossible
to be held on to—

that no point is fixed, that there's no foothold
but roams untethered save by such snells,
such sailor's knots, such stays
and guy wires as are

mainly of our own devising. From such an
empyrean, aloof seraphic mentors urge us
to look down on all attachment,
on any bonding, as

in the end untenable. Base as it is, from
year to year the earth's sore surface
mends and rebinds itself, however
and as best it can, with

thread of cinquefoil, tendril of the magenta
beach pea, trammel of bramble; with easings,
mulchings, fragrances, the gray-green
bayberry's cool poultice—

and what can't finally be mended the salt air
proceeds to buff and rarefy: the lopped carnage
of the seaward spruce clump weathers,
lustrous, to wood-silver.

Little is certain, other than the tide that
circumscribes us, that still sets its term
to every picnic—today we stayed too long
again, and got our feet wet—

or that experience will prove at best, perhaps,
a broken, a much-mended thing. Watching
the longest day take cover under
a monk's-cowl overcast,

with thunder, rain, and wind, then waiting,
we drop everything to listen as a
hermit thrush distills its fragmentary,
hesitant, in the end

unbroken music. From what source (beyond us, or
the wells within?) such links perceived arrive—
diminished sequences so uninsistingly
not even human—there's

hardly a vocabulary left to wonder, uncertain
as we are of so much in this existence, this
botched, cumbersome, much-mended,
not unsatisfactory thing.

—AMY CLAMPITT

• •

about it," Roger said. "The seedlings are free. You get a farm-use rate on your land. Plant and put your feet up. So you all are into Christmas trees!"

He went on with analysis and advice: Stay away from blue spruce; too slow. Put your rows far enough apart to get a bush hog through. You'll lose some to the deer. Prune if you want full trees.

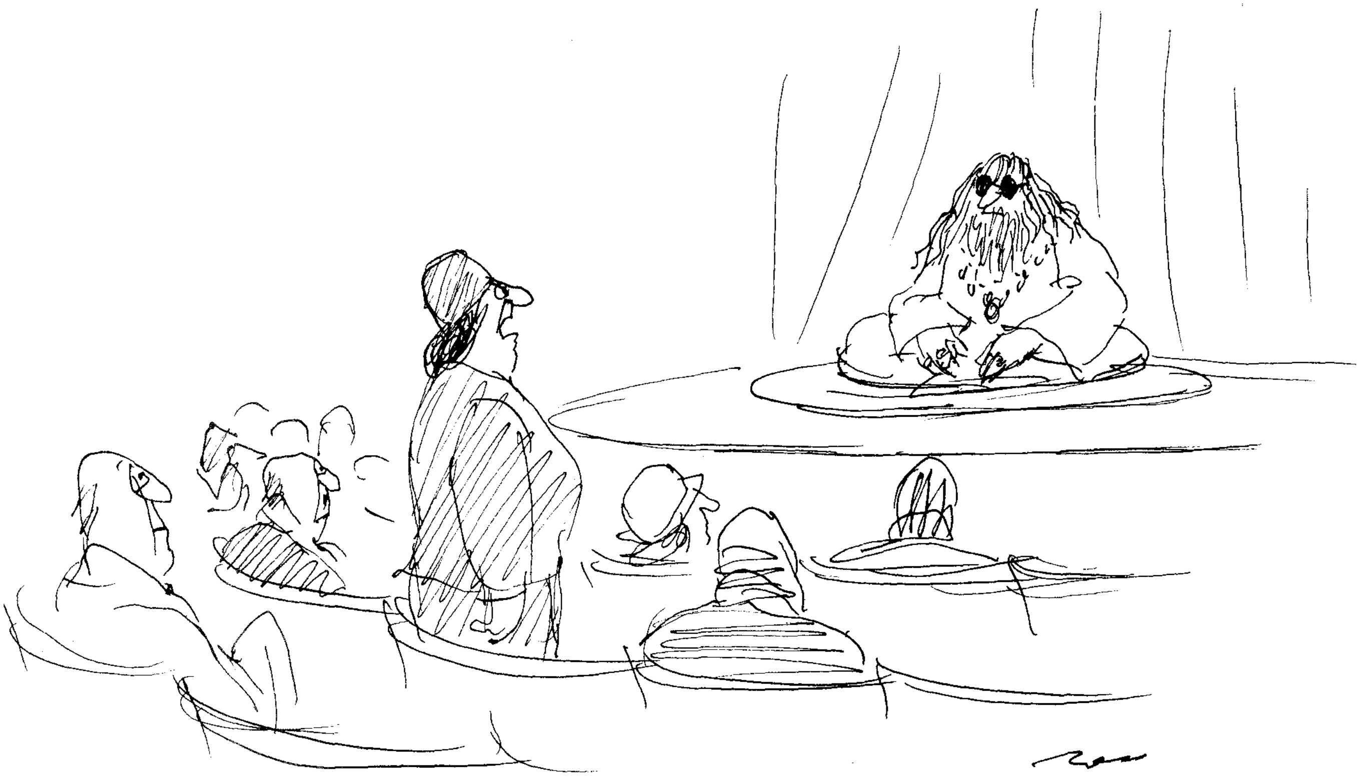
Wearying, she ordered brandy, and told Roger something about land use—about her father's landfill in New Jersey, a great cavity bulldozed from banks of barren red earth, where small towns and trash companies had paid to bring their garbage. Each year as they closed his hole in the landscape he depreciated its value until filled, levelled, and written down to zero; he *sold it to developers as the greensward* and recreational park of a huge new housing tract.

"He'll want to leave some trails through his pines," Roger said. "Nobody around here closes their land."

"He isn't doing Christmas trees," Johanna told him. "He wants pecans."

"If he plants pecans, he can play with the seedlings," Roger said. "His great-grandchildren may enjoy the nuts." And he whispered into her ear, "If he has great-grandchildren."

She'd already told this man too much about her father. It was a kind of betrayal even to accept another appointment with him. But he was the only one she knew here, the one who'd be taking their story to the neighbors.



"Just how much love should one give?"

• •

He was a man who could be kept in check, she thought, the kind whose hand could be removed from her chest or lifted from her knee and held chastened for a whole evening.

Johanna had always feared that her popularity, or any small celebrity, could make Karaghala's life more visible. Shuffling, head down, through high school, she had told friends what she'd heard at home: "He's a magician with money. He pulls it out of the air."

In high school Johanna had dated no one. At university she learned she could kiss a man deeply and still come home without shame. At home her father asked her blunt questions. When he began to offer guidelines for behavior, to list the things a woman could do to satisfy a man without fouling herself, she was appalled, not by the limits he set but by the things he could say in front of her. "Have a good time," he always told her, until his notion of a proper boyfriend turned into the real thing—arms, legs, and a mouth.

In Virginia it was going to be different. If she called herself Nagy she could do as she pleased. But a week later Roger phoned again and said, "Listen. I know who you are. Meet me at the mill."

His car was parked off the road. With his voice muffled by the sound of water moving through the old stone race, he said, "Your name is Pronagy. A friend of mine at the motor-vehicle office did your license transfers. Don't tell your father he's been found out."

Johanna laughed in Roger's face. Did he think he was dealing with the mob? She could explain, but he might not catch the humor and high spirit of it if she told how before his real-estate coup Karaghala had run a little travel agency in Newark. For city sportsmen. Hunting trips, that sort of thing. Occasionally there were bookings on phantom spur airlines into closed hotels.

Instead of that she told how in their family her father had always been a kind of folk hero, ruled by the magic of his own invention, though now he was simply a man mourning his wife and son, a man with time to stop and help a turtle across a road. She was letting her fingers play across the distance between them, remembering Karaghala's question when she'd returned from their first dinner: "You let this man touch you?"

Roger seemed to be asking for social data. "You must have been popular in college," he said. "What sorority?"

"No sorority," Johanna told him.

In her last year at university she had accepted election as class treasurer, though she knew she'd been chosen more for the line of her cheek and lip than for her ability to match dues with the cost of a prom. "Daddy used to ask where I kept the money," she said. "Just a joke. By then he was a very wealthy man. So now you know everything."

"They don't grow pecan trees in northern Virginia," Roger said.

"Now they do," she told him. "He can wait for his forest and call it a farm." She explained how the agricultural agent had relented when Karaghala read to him from his tree book: "Thomas Jefferson planted pecan seeds at Monticello, and gave some to George Washington. Pecans are among the oldest trees at Mount Vernon."

"Don't worry," Roger said. "I'll pretend your name is Nagy. I'll try not to call your house anymore. I won't tell anyone else." He said he was planning another ride for them, a trip across the valley and halfway up the mountain. They'd pack a lunch and look down on the hunt territory from a new altitude. "I want you to call me," he said, "when you're ready." His unencouraged hand slipped from

School Is Out

• •

her shoulder, down her arm, and into his lap.

WHEN Johanna did call Roger two weeks later, he was barely cordial, and was not at all sure there was an extra horse. "In your barn or mine?" she asked, and he said all right, there was probably a mount for her. But he couldn't come to pick her up. She'd have to meet him at the stable.

"This is Jo Nagy," he told his groom. "She'll want something quiet." He feared that her suède boots were going to smell of horse, that her fashion jeans would not be heavy enough to keep the stirrup leathers from pinching her legs, that her remarkably thin shirt would not keep her warm.

"I want to return you in good condition," he told her, and on their way up the mountain he confessed to having done some more research on her father. "What was it like growing up with him?"

"We weren't freaks," she told him. "We had normal lives."

"Daddy took you to the office?"

"Once or twice. That's average isn't it?" She remembered a glass door stencilled crudely "HUNTING UNLIMITED," a phone, a desk, and her mother's dismay that there were no posters, no travel brochures, only little white flyers, hunting regulations from dozens of counties, scattered around the room. Her father entertained Johanna with his phone work, shifting voices from one call to the next, facile as a comedian doing impersonations.

"He wanted to know if I let you touch me," she said.

Roger asked her please not to let her feet slip forward in the stirrups. It could be dangerous.

"He noticed you don't call anymore."

"If you force your heels down," Roger said, "you can't get in trouble."

They rode to a rock ledge where she spread a blanket for a recumbent meal, and Roger folded it again, saying it would serve best as a cushion.

It was a marvellous view he'd brought them to. Like a quilt, she said, in tans and greens, stitched with stone and board fencing. That was nice, he said, though it was hard for him not to think of all those patches in the valley as investment squares.

An amiable man, she decided, who had calculated the odds against him and now wouldn't play. She poured grape juice and said, "Pretend this is wine," and told a story about her father.

"In the city," she explained, "rich or poor, you live with cockroaches. City people know roaches the way country people know ticks. But ticks come to you. Roaches are escape artists; you have to be fast to catch them. When we were still very poor, living in the tenements, I used to grab them and put dots of paint on their backs and then let them go. My father would spray, and a group of reds would go upstairs to Mrs. Pergoli's apartment. Mrs. Pergoli would spray, and the reds would come down again. There was one with a blue spot who came home three times. Imagine my father promising me a trip to the ice-cream parlor the day we found our blue on the kitchen floor with his legs in the air."

They unfolded the blanket and took it to a softer place. It was not so much a seduction, she decided afterward, as a blundering by degrees, from a hesitant holding of hands to the loosening of clothes, until he opened his eyes and asked what she'd done, and looked at his watch for advice.

"WHAT is the man doing with you?" Karaghala demanded when she arrived home. He made a loop with thumb and forefinger and pushed another finger through it, questioning her with his eyes.

"For God's sake, Daddy," she said. "Do you mean a wedding ring, or what?"

THERE was no word from Roger, and Karaghala said it was possible to make a man like that disappear for good. Johanna tried to pretend she didn't hear him. When Roger did call to ask if she'd meet him at the stable again it was a two-month-old insult.

Roger *had* disappeared, she explained to her father when she hung up the phone. On his own. He'd been an experiment gone wrong. He did phone twice more, calling her his "landfill heiress." The last time she thought he must have been drunk, because it was after midnight and Roger became abusive, asking what could have possessed him to take up with a woman whose father used to arrange hunting accidents in New York and Pennsylvania.

KARAGHALA said he had seen long cars moving slowly past the house, cars that could have had Northern plates. He waited through the first winter, watching from upstairs windows as the hunt rode over his land. In the spring he came out to plant his pecan seedlings.

Johanna worked with him on the fences, stretching new wire over his coops without hens. That summer she traded his limousine for a farm truck, helping him forget the web of roads that tied him to New Jersey.

She had a new friend by then, the next visitor to come by. He was Willy, their neighbor across the creek, a pilot for an aerial-photography service, who asked her to country dances in Stilson, and seemed incapable of hiding anything behind his kind blue eyes. She was already very thick with Willy. He buzzed their house in his light plane, breaking laws to show them his face from the air.

First a man who trampled his fields on horseback. Now one who violated his airspace, her father said. Johanna's people attacked on all fronts.

For Karaghala's birthday Johanna baked him a pecan pie and Willy gave him a framed aerial photo of the countryside with their place circled in black at the center. In the middle of the flattened landscape the house made an easy bull's-eye. Using it as a map, Willy named the surrounding farms and estates for them, following with his finger the dirt road they lived on, to secondary macadam, across the east-west corridor to beltway and interstate. Johanna apologized for Karaghala's indifference, and when Willy left she took his present to the attic.

She doubted her father could despise anyone so open, a man with such large hands for affectionate pummelling, and a wide mouth for laughter. But she was careful not to encourage any intimacy under Karaghala's gaze. Willy would walk over anytime, uninvited, knock Georgette around the yard with hearty pats, call his halloos from their doorway, and march onto their deep rugs with muddy boots.

"You come with us," he would coax, when he took Georgette and Johanna for a walk, and Karaghala, not quite pleased to be thought a cohort instead of a chaperon, always declined.

"Be careful" was his blessing on their evenings.

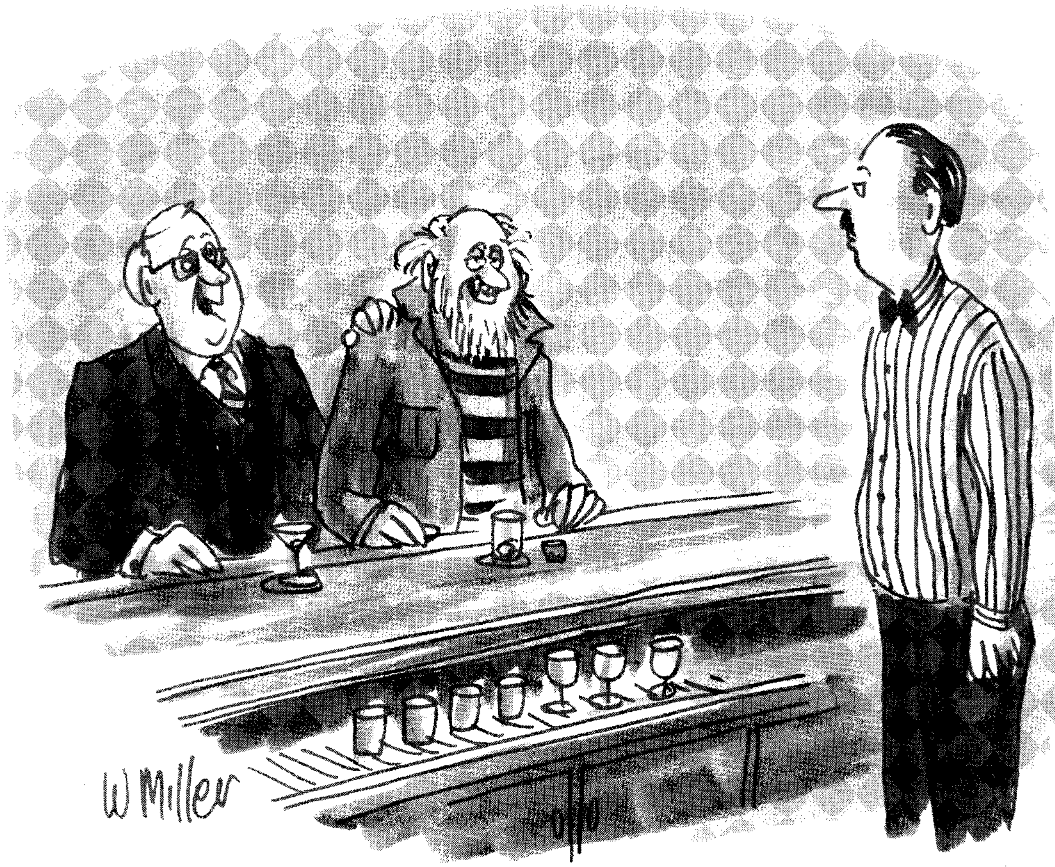
WHEN Roger returned, Johanna heard the hounds first. It was an unseasonably warm November day, too hot to be galloping horses. She came out to watch their approach. The hunt was on a run, coming over the hill behind the house. She saw their leader in his brilliant jacket swerve away from his jump. He cursed, dismounted, and tied a white handkerchief to Karaghala's new strand of wire. Others piled up behind him, their horses rearing and kicking.

In the saddle again, he circled back and took the fence, far behind his hounds. Half his riders followed, coming fast down the field, over the seedlings. Her father was beside her by then, shaking his fist. They could hear the rest of the hunt calling to one another in confusion and disgust, coming around in front, on the road. Johanna was pulling her father toward the house. Georgette, who had risen to bark at the passing hounds, was prostrate again, panting in the heat. There were riders stopping in the driveway, looking across the yard and yelling at the house, "Anybody home?"

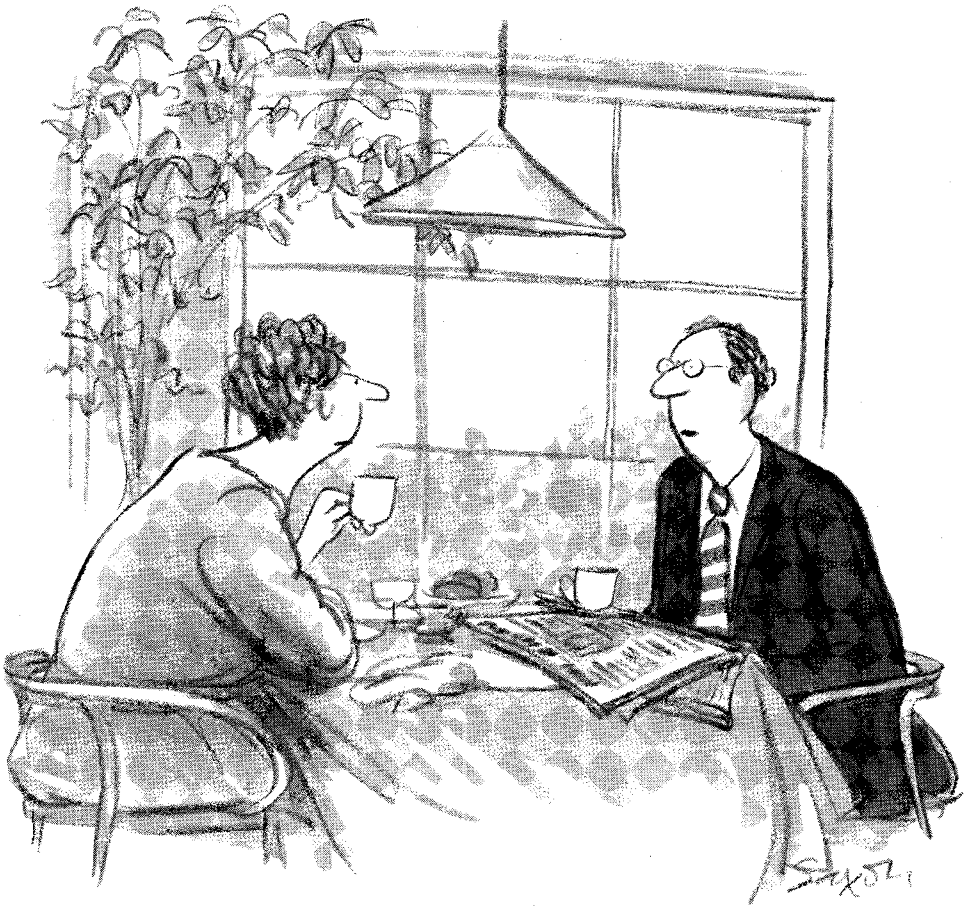
Unable to hold him back, Johanna had come out with her father to face the riders, mostly women. And Roger had emerged from the pack, jockeying to the front. "Whoever's responsible for that dog," he said, "get it out of the sun. Can't you see it needs water?"

Karaghala was moving toward him, but the horse was prancing sideways, and Roger, riding away, called back over his shoulder, "Take care of that bitch, or someone else will." The women, indignant and erect, moved into a trot behind him.

Johanna led her father into the house, fixed him lemonade, and made him lie on his bed with a magazine. A



"Another round for me and my friend here. It seems he was hip way back before there were any damn hippies, and I was a young urban professional way back before there were any damn yuppies."



"It was just a dream, Valerie. I sometimes dream that you run off and leave me. I assure you, it doesn't mean a thing."

• •

half hour later he had gone into the yard again. Georgette had been untied. She was gone.

Karaghala told Johanna to get her walking shoes on, to change into pants. From her room she could hear him telling himself what a pleasure it was going to be to knock the interfering lover boy off his high horse. She was almost ready when she looked down from her window and saw her father spinning away in the truck.

THE hunt had passed over the road, moving away cross-country. Johanna drove south, away from the river, toward the paved highway. A man and woman leading two horses told her yes, they had seen a truck, but they thought the hunt had doubled back to the east. They were looking for it themselves.

She had made almost a complete circle and was approaching their house from the other direction when she heard gunfire and saw hounds coming from the woods into the field above her. She was out of her car, running toward the tree line, when she heard the next reports and saw riders come breakneck into the open, toward her father's fields again. One of them fell forward, wrapping arms and legs around his horse's neck. He regained his seat and galloped past her, yelling, "Gate please!" But there was no gate.

Explosions again, and more riders entered the field and raced past on either side of her. A final shot, and a last horseman bolted out of the woods. Following the rest, he took the jump downhill over the white handkerchief.

Over the next rise Johanna could see down to the creek bed, where her father's truck was parked beside the mill. Closer, she watched him reload a pistol, aim, and fire at six cans set up on a log. Beyond the noise and smoke, like a row of charmed soldiers, the cans were still standing when his gun was empty.

WHEN Johanna and her father got back to the house, there was Willy playing in the yard with Georgette. Johanna brought out three fresh glasses of lemonade to celebrate. Karaghala told why he had hurried off to the mill—for pistol practice. And Johanna told why she had headed for the village—an errand at the drugstore. Halfway there, she said, she'd decided it wasn't important after all. They were lying for each other and for Willy, who told how he had untied Georgette to take her for a walk and then returned to find the place deserted.

Johanna understood Willy only wanted to prove to her father they could all live there happily, the three of them and Georgette, waiting for pecans and grandchildren. But Karaghala wouldn't put the gun away. He was talking about solid wood, something tall that you couldn't see through or jump over, a real privacy fence.

From far off in the hills they could hear the hunting horn, the sound of horse people trespassing. Karaghala raised his pistol to the horizon. "He's a little confused right now," Johanna told Willy. "Not sure what he ought to be shooting at."

They watched him level the pistol again and fire imaginary bullets into the northeast. The horn sounded fainter in the hills. Karaghala looked at Johanna and Willy for a moment, trying to catch the soft things they were saying to one another, before turning back to his missing target. It was as if he was aiming at New Jersey but trying to hit something in Virginia.

"Don't worry," Johanna said. "I think Daddy knows you're going to be my lover."

Willy said he'd never heard of putting a privacy fence around twenty acres.

If a man came along who could build one, Johanna told him, her father might give him anything in his kingdom. She took Willy's hand and carefully led him into the house, assuring him of a safe place inside the fence once he had finished it.

—JOHN ROLFE GARDINER

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But the writer-editor more than recouped any inheritance he might have received from the book's royalties. And now he is enjoying even greater fame and fortune at the expense of his late aunt in his new novel, "Queenie," the Roman A. Clef adventures of a ruthless, scheming actress who is clearly Oberon.—*Bulletin Today, an English-language newspaper in Manila.*

That Clef is a bounder.

ANNALS OF LAW

THE ASBESTOS INDUSTRY ON TRIAL

III—JUDGMENT

IN the early nineteen-eighties, it was recognized in financial circles that asbestos litigation was going to cause a hemorrhage of serious, if not catastrophic, proportions in the assets of asbestos-insulation manufacturers and their insurers. Thanks largely to a growing awareness of the asbestos hazard on the part of millions of Second World War shipyard workers, there had been a large increase in the number of product-liability lawsuits. In 1976, a hundred and fifty-nine cases were filed against Johns-Manville alone; in 1978, seven hundred and ninety-two claims were filed against the company; and by 1982 lawsuits for asbestos disease were being brought against it at the rate of six thousand a year. At the same time, the expense of asbestos litigation was also mounting. In 1979, Manville's average cost of settling a claim was about twenty-one thousand dollars, but by 1982 it had doubled.

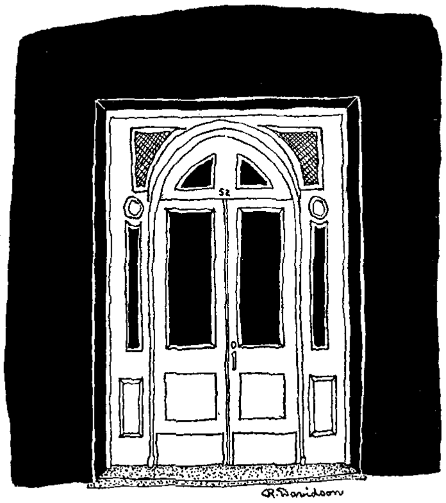
By the end of 1982, the defendant insulation manufacturers and their insurers had paid out some six hundred million dollars in compensation to plaintiffs and in legal fees, in order to close out some thirty-eight hundred product-liability lawsuits, and to reach settlements with some of the twenty thousand or so plaintiffs in product-liability suits that were still pending. Beyond these liabilities, a cause of growing uneasiness in financial circles—and especially in the insurance industry, which was being forced to pick up two-thirds of the six-hundred-million-dollar tab—was that no one could estimate how much the asbestos litigation was ultimately going to cost, for the simple reason that no one knew how many people had been exposed to harmful levels of asbestos dust, how many of them would eventually develop asbestos disease, or how many of the victims would file product-liability lawsuits. One insurance-company executive estimated that loss and loss-adjustment expenses for asbestos claims filed as of February, 1981, would be close to a billion three hundred and fifty million dollars, compared with premiums of six billion three hundred million dollars that had been collected in 1980 for all liability coverage except medical malpractice. Another study estimated that total compensation payments for asbestos-related disabilities and deaths over the next twenty to thirty years might run between eight billion and eighty-seven billion dollars, with the most likely total about forty billion. A third study estimated that before the year 2010 between eighty-three and a hundred and seventy-eight thousand new claims would be filed, and set the total liability of the insurance industry at between four and ten billion dollars. Since insurance companies operate by balancing investment earnings from premiums against anticipated losses and expenses, these wildly fluctuating estimates clearly indicated the fiscal uncertainty that the open-ended asbestos litigation was creating within the insurance system. Indeed, the asbestos litigation was posing the threat of incalculable loss—the nightmare of all insurers, whose sleep was also troubled by the fact that they had sold billions of dollars' worth of comprehensive general-liability coverage, including pollution-liability insurance, to chemical companies and other manufacturing firms that might prove as vulnerable as the makers of asbestos insulation to product-liability lawsuits. Their peace of mind has scarcely been restored by the avalanche of lawsuits resulting from the deadly chemical

"And now, if it please Your Majesty, a royal welcome for my next guest."

leak at Union Carbide's plant in Bhopal, India; or the prospect that tens of thousands of people whose drinking water has been contaminated by toxic chemicals seeping from hazardous-waste dumps may also sue; or the possibility that class-action lawsuits may be brought against them by disgruntled shareholders who are unhappy because of a serious downturn in the property-and-casualty industry that has taken place in recent years. As a result, the insurance industry has sharply curtailed coverage for pollution damage, and has substantially raised the rates for its comprehensive general-liability policies. It has also announced that it is considering other sweeping changes, such as including within the limits of a given policy the legal costs of defending liability claims.

Leading insurers had begun to worry about the implications of asbestos litigation as early as 1977, and they held a meeting in New York City that year to discuss the growing number of asbestos lawsuits they were being called upon to defend and settle. They found themselves deeply split on how to interpret the standard language of their comprehensive general-liability-insurance policies. Since 1966, these policies had provided for indemnification if a claim should be presented for "bodily injury"—a phrase that had been legally defined to include sickness or disease—caused by an "occurrence," which meant an accident including exposure to conditions that resulted in bodily injury during the policy period. At issue was the question whether insurance coverage should be triggered during the time of a claimant's exposure to asbestos or at the time his asbestos disease was discovered or diagnosed. This question was complicated by the fact that during the latency period usually necessary for the development of asbestos disease—from ten to forty years—each of the defendant asbestos-insulation manufacturers had had a number of different insurers, and may also have been self-insured for part of the time. Advocates of the exposure theory, which up to then had provided the basis for most claims settlements, argued that each exposure to asbestos dust was an occurrence causing bodily injury to the claimant, with biological damage repeated on each subsequent inhalation, until the cumulative effect of these exposures resulted in disability or death from asbestos disease. The exposure theorists reasoned that asbestos inhalation was a continuing tort, and that all the insurers who were on the risk for issuing policies during the time of a diseased worker's exposure were required to defend and indemnify the insulation manufacturer. By contrast, advocates of the manifestation theory argued that inhalation of asbestos caused bodily injury only when asbestos-related disease manifested itself through medical diagnosis or when the claimant knew, or should have known, that he was suffering from asbestos disease. Thus, they held that only the insurer who was on the risk at the time of manifestation should be required to defend and indemnify the insulation manufacturer being sued.

Traditionally secretive, insurance companies have always preferred to resolve ambiguities of contract interpretation through compromise and settlement—there is an old saying in the industry that the best file is a closed file—and for this reason carriers have been notably reluctant to involve the judiciary in such matters, fearing not only that juries and judges might be sympathetic to those on the other side, whether claimants or insured parties, but also that court-ordered discovery procedures might result in the disclosure of insurance practices that could engender legislative scrutiny and produce unwanted regulation. In this instance, however, the disagreement was so profound and the amount of money at issue so substantial that the dispute soon found its way into the courts, where insurance companies began to wage an uncharacteristically bitter struggle among themselves and with their clients—the asbestos-insulation manufacturers they had insured—to determine who should be responsible for compensating the victims of asbestos disease.



The first major crack in the insurance industry's façade occurred on June 27, 1977, when the Insurance Company of North America, which had its headquarters in Philadelphia, informed Forty-Eight Insulations—a small asbestos-manufacturing company in Aurora, Illinois, which was owned by the giant Foster Wheeler Corporation, of Livingston, New Jersey—that I.N.A. would no longer defend or indemnify Forty-Eight Insu-

SEA OR SKY

Small doses, *effleurage* will do,
Because I never garden. Wednesday comes
Out of the rim of bones with a port-wine
Stain on its face, a day of possible
Excitements, no sky, yet I know immediately
The color it should be. I play it down,
The agitated sky of my choice. I assume
That echo of light over there is the sun
Improperly burning. In a sea of like mood
A wave is trying to break, to give a reason
For water striking something else, and the gray
Below the wave is a darker version
Of the moisture-laden sky I should be working in
(Not the clear water of your sleep where you
Seem lighter, and the garden's voice has gone inside).

The athletic anatomy of waves, in their
Reflectiveness, rebirth, means my new, especially
Dense breasts can be touched, can be
Uplifted from the island of burned skin
Where my heart used to be, now I'm
Seeing eyes that, sea or sky, have seen you.

—Medbh McGuckian

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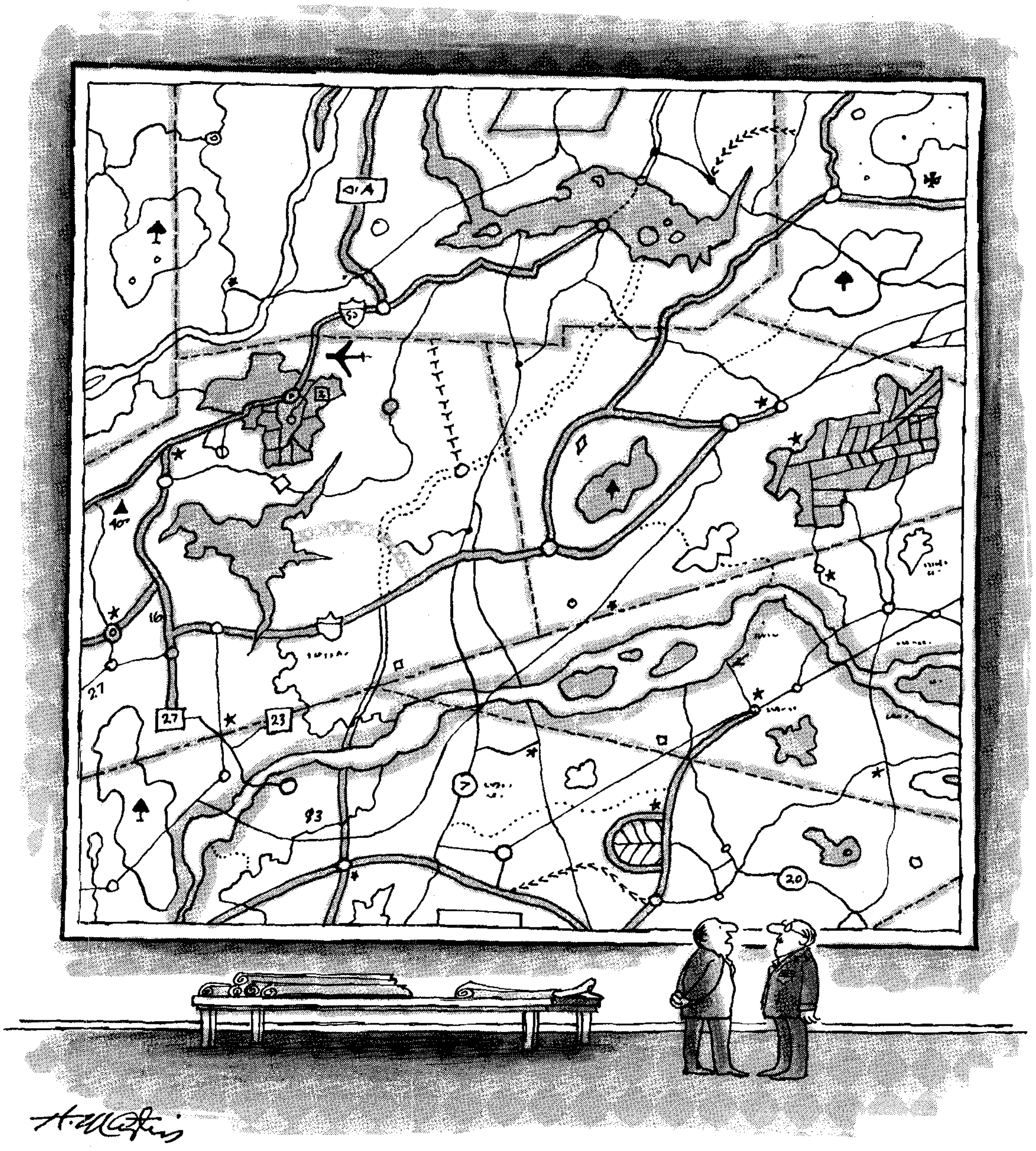
"And then, after a few minutes or so of conversation, Edgar and his friend lapsed into a companionable silence. That was two days ago."

• •

lations in any lawsuits alleging that asbestos disease had manifested itself after October 31, 1972; this was the expiration date of the last of a series of insurance policies that I.N.A. had sold Forty-Eight since 1955. Nine days later, I.N.A. filed an action in federal district court in Detroit seeking a declaratory judgment that would affirm the manifestation theory against Forty-Eight and against four carriers that had insured Forty-Eight after 1972. Among these carriers were Travelers Indemnity, of Rhode Island, and the Liberty Mutual Insurance Company, of Boston. Forty-Eight had manufactured asbestos-insulation products between 1934 and 1970, and at the time of the filing it had been named as a defendant in ninety-nine asbestos-product-liability lawsuits. In seeking a ruling in favor of the manifestation theory, however, the managers of I.N.A. were looking nervously to the future, knowing that their company had held primary insurance coverage for two other insulation manufacturers that had become major targets of asbestos lawsuits—the Keene Corporation, of New York City, and Nicolet Industries, of Ambler, Pennsylvania—and that under the exposure theory this coverage would surely be triggered. I.N.A. had also sold a considerable amount of excess-insurance coverage to Keene, Nicolet, Johns-Manville, Armstrong Cork, and Owens-Corning, which could be called into account if payments for asbestos-disease claims exceeded the dollar limits of primary policies. As things turned out, the concern of I.N.A.'s managers was well founded, for by 1982 Forty-Eight, Keene, and Nicolet were faced with a total of more than fifteen thousand lawsuits, and I.N.A.'s potential liability in asbestos litigation would be estimated to be twenty billion dollars. (In the same year, I.N.A. was merged with another insurance giant—the Connecticut General Life Insurance Company, of Bloomfield, Connecticut—to form the CIGNA Corporation, the nation's second-largest shareholder-owned, multi-line carrier, whose headquarters are in Philadelphia.)

After a lengthy and complex trial in the spring of 1978, United States District Judge John Feikens ruled against I.N.A. and in favor of the exposure theory, declaring that I.N.A.'s manifestation argument was a departure from the traditional approach of the insurance industry. In his opinion, Judge Feikens noted that not one of I.N.A.'s policies "contains language that makes manifestation a factor in determining whether or not there is a duty to defend." He also noted that I.N.A. had defended Forty-Eight in most of the hundred and fifty-odd asbestos cases brought against it between 1974 and 1977, without ever raising the point that "manifestation of the disease must occur during the coverage period as a requirement for coverage."

I.N.A. immediately appealed Judge Feikens' ruling to the United States Court of Appeals for the Sixth Circuit, in Cincinnati. The appeal was supported by Liberty Mutual and two of the other insurance companies that had been named as defendants in the original action. Liberty Mutual's reasons for advocating the manifestation theory were not hard to see. In addition to holding primary product-liability coverage for Forty-Eight during part of 1976 and all of 1977, it had sold primary coverage to Armstrong Cork from 1973 to 1980, to Keene for 1967-68 and again from 1974 to



"Just to get me oriented, Colonel, where is Scarsdale?"

1980, and to Eagle-Picher from 1968 to 1979—three manufacturers that were being named as defendants in thousands of asbestos-disease lawsuits.

The appeal of the district-court decision in I.N.A. v. Forty-Eight was strenuously opposed by Forty-Eight and also by Travelers. Forty-Eight, of course, had everything to gain from the exposure theory, which maximized its insurance coverage. As for Travelers, which held Forty-Eight's primary coverage for 1976, it supported the exposure theory and suggested that the court might want to consider a pro-rata version of it under which those insurers who were on the risk from the time of a claimant's first exposure to asbestos until he filed his claim were responsible for paying in proportion to the time their several policies were in effect. Although Travelers itself had much to lose through the exposure approach, as a result of having sold primary product-liability insurance over the years to such major defendants as Johns-Manville, Armstrong Cork, and Pittsburgh Corning, it was in a stronger position than many insurers, because it had sold relatively little excess insurance to the asbestos industry. Among the carriers with significant liability for excess coverage were I.N.A.; Lloyd's of London; the Commercial Union Assurance Company, also of London; Aetna Life & Casualty, of Hartford; CNA Insurance Companies, of Chicago; the Home Insurance Company, of New York City; and the American International Group, also of New York City. Travelers was operating on the assumption that once its primary policies were exhausted liability for indemnification and defense costs would automatically be transferred to the excess carriers, and that any gaps in coverage would be the responsibility of the insulation manufacturers; in May of 1981, in fact, Travelers announced that it supported the exposure theory as the fairest way to resolve the growing problem of asbestos litigation, declaring that it provided a workable basis for multiple carriers to prorate their obligations to a single policyholder, and was the best method of giving the policyholder a broad base of coverage.

During oral argument, which was heard by the Sixth Circuit in October of 1979, lawyers for the appellants warned that Judge Feikens' ruling for the exposure theory could "plague the nation's trial courts and appellate courts, together with insurers and insureds alike, for many years to come." Nevertheless, the Sixth Circuit, a year later, affirmed the lower court's adoption of the exposure theory by a two-to-one margin. Noting that beginning in 1976 Forty-Eight's insurance coverage contained such a high deductible that "as a practical matter, Forty-Eight is uninsured for asbestosis occurring after" that year, the majority judges supported the exposure theory on the ground that "insurance policies must be strictly construed in favor of the injured and to promote coverage." As for the plague of cases they had been warned about, the jurists were not about to assume any responsibility for that. "We think that the 'plague' will come regardless of how we decide this case," they wrote. "The cause of the plague, however, is an insurance industry which adopted a standard policy which is inadequate to deal with the problems of asbestosis."

BY this time, as might be expected, a number of other declaratory-judgment actions had been filed in other jurisdictions by insurers or defendant manufacturers who, depending on the particular circumstances—and, of course, on the extent of their financial liability—were either for or against the exposure theory. In June of 1978, the Keene Corporation, faced with more than five hundred asbestos-disease claims, filed suit for declaratory judgment and damages against I.N.A., Liberty Mutual, Aetna Casualty & Surety, and the Hartford Accident & Indemnity Company, of Hartford—four companies that had issued comprehensive general-liability policies to Keene or its predecessors since 1961—alleging that the insurers had failed to defend and indemnify it. The Keene Corporation was formed in 1967. In 1968, it bought Baldwin-Ehret-Hill, Inc., of Trenton, New Jersey, which was a maker of asbestos insulation; and from then on Keene manufactured and sold asbestos products until 1976, when it was acquired by the Bairnco Corporation, of New York City.

Keene v. I.N.A., which was brought in federal district court for the District of Columbia, proved to be another novel and complex case in insurance law. It was decided on appeal in October of 1981, when the Court of Appeals for the District of Columbia Circuit not only overturned the decision by the lower court to adopt a pro-rata exposure theory but ruled that Keene could utilize the limits of any single liability policy, and carried the exposure theory a step further by embracing what came to be known as the triple-trigger approach; this was that insurance coverage could be triggered by the initial inhalation of asbestos fibres, by exposure-in-residence to the fibres—meaning the continuing damage inflicted upon lung tissue by asbestos fibres that had already been inhaled—and by the manifestation of asbestos disease. Declaring that asbestos disease was "unknown and unknowable" to Keene at the time it had bought its insurance, in 1961, the court ruled that the company should be "free of all liability for asbestos-related disease." Needless to say, with Keene having by then been named as a defendant in

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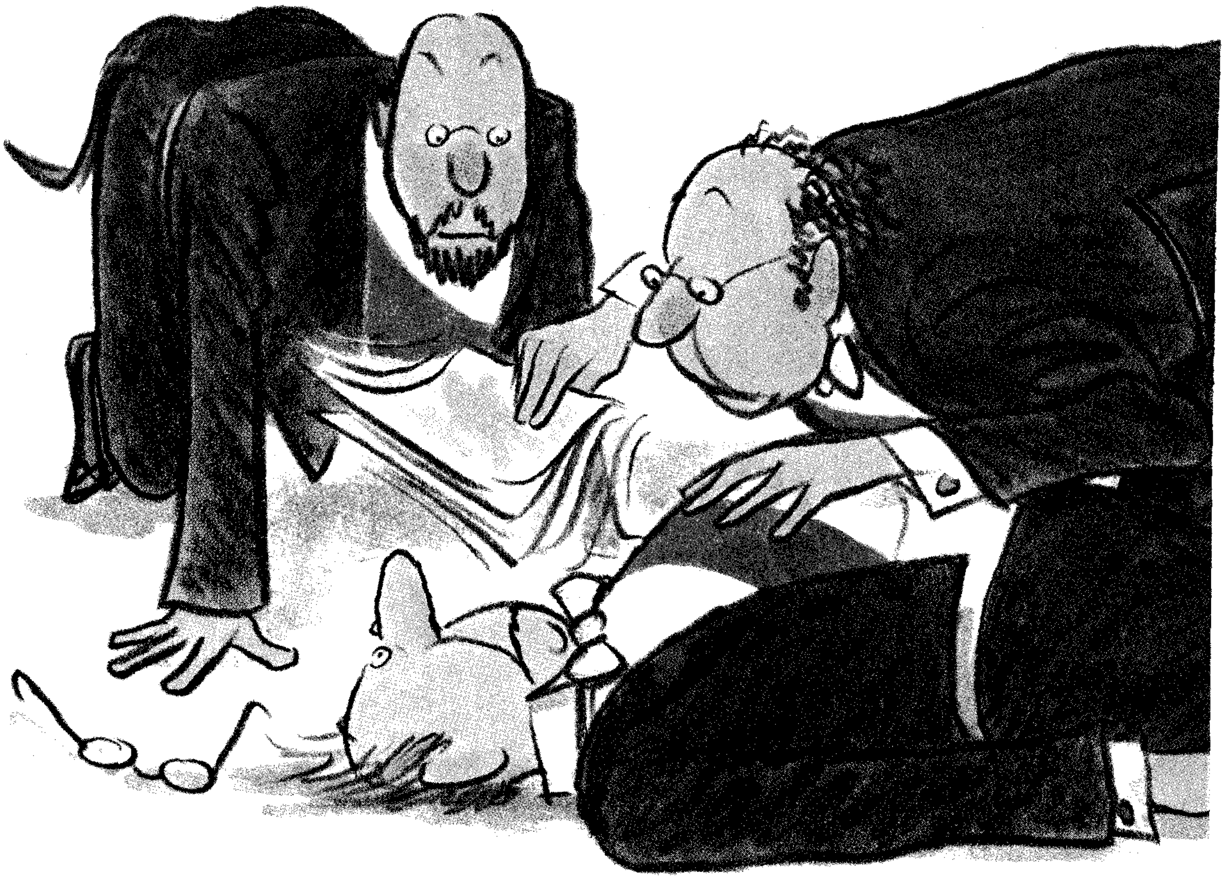

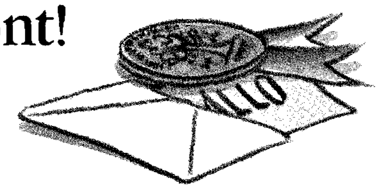

Good heavens, Monsieur Dupont!
We didn't mean to win!
Honest!
Monsieur Dupont?

We didn't mean to startle you. Perhaps we owe you some explanation.

The fact of the matter is, Monsieur Dupont, we entered our wines in international competition only to make a point.

The point is that Gallo wines today are comparable or superior to those of other vintners, regardless of the price.

And, considering all we've done to accomplish this, we were sure you wouldn't blame us.

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We replanted hundreds of acres of California's finest wine-growing regions with these costly and classic

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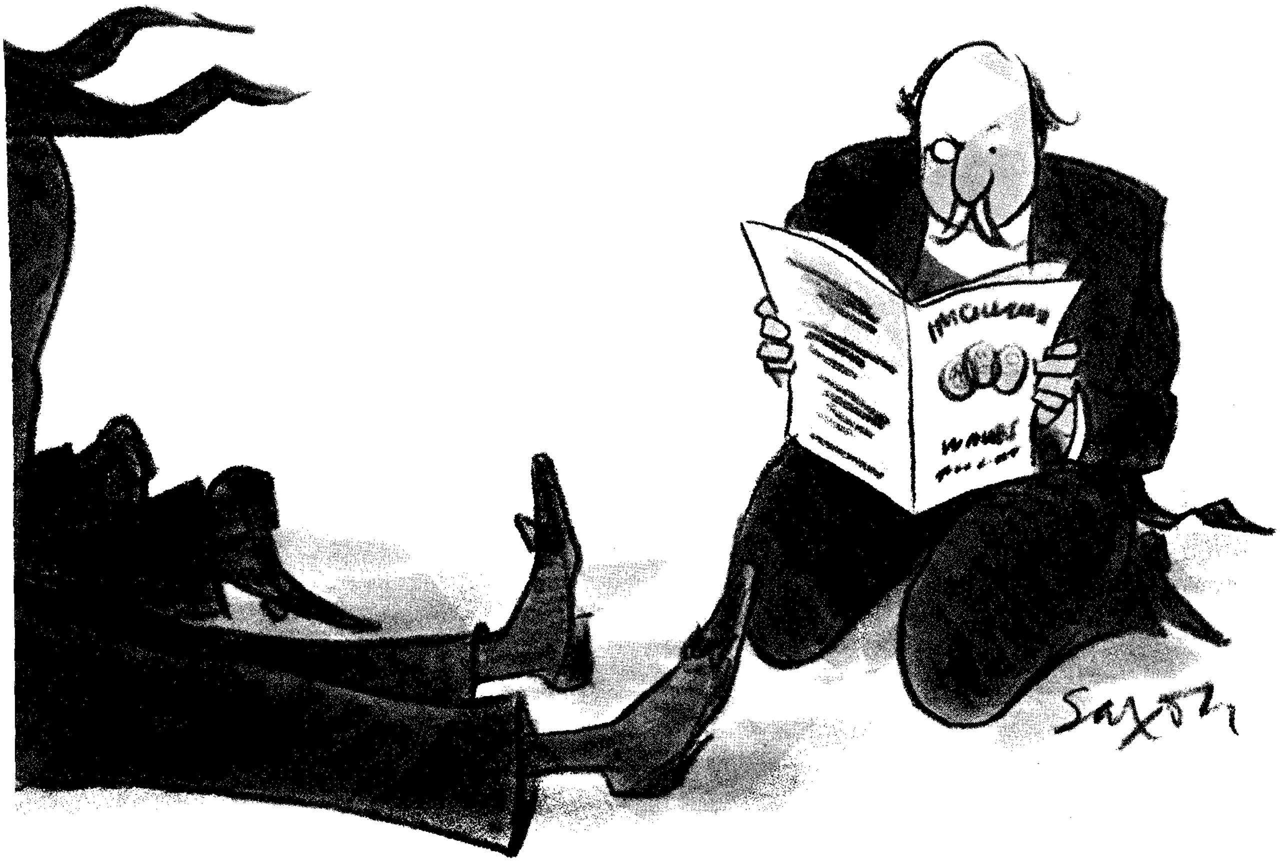

European grape varieties.

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And we introduced a line of new varietal wines that has pleased the harshest of critics.

And, of course at the same time we've kept in mind the fact that most people can't—or shouldn't—spend ten or twenty dollars just for a bottle of fine wine.

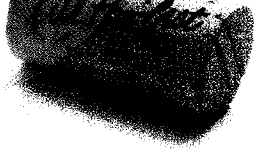
In short, Monsieur Dupont, we've done everything we could possibly do to make sure Gallo wines today are the best that wine can be.

By the way, Monsieur Dupont, we're pleased to announce that just last year alone, Gallo won 141 more awards in domestic and international competition. Why, that's more than any other winery!

What do you think of that, Monsieur Dupont?

Monsieur Dupont?

Today's Gallo.



more than six thousand asbestos lawsuits, the appellate decision was a blow to insurers across the nation. They protested bitterly that the courts had undertaken to rewrite insurance policies in order to give Keene the best of all possible worlds, and predicted dire consequences for the insurance industry.

By the late autumn of 1981, no fewer than nineteen declaratory-judgment actions concerning insurance liability for asbestos-related disease were pending in federal and state courts, and pressure was mounting for the United States Supreme Court to involve itself in the controversy. In December, however, the Supreme Court declined to hear an appeal of I.N.A. v. Forty-Eight, and in March of 1982 it declined to hear Keene v. I.N.A. In its petition for a hearing in Keene v. I.N.A., Hartford Accident & Indemnity had told the justices that the asbestos cases presented potentially the most costly product-liability claims "ever to confront American industry" and constituted "perhaps the most important insurance-law issue ever to be litigated in our judicial system;" and it went on to complain that under the appellate-court ruling in Keene v. I.N.A. "an insurance company which has issued a standard comprehensive liability policy for a period of one year —or even one month—is potentially liable for forty years of losses." A majority of the Supreme Court justices were unmoved by these arguments, however; by a five-to-three vote they let stand the appeals-court ruling that embraced the triple-trigger approach and thus greatly expanded an insurer's obligation to pay for asbestos-related disease.

At the time, some observers felt that the Supreme Court's refusal to hear appeals of the declaratory judgments involving insurance coverage might increase pressure on Congress to devise a legislative solution to the problem of how to compensate the victims of asbestos disease. Asbestos-insulation manufacturers, led by Johns-Manville, had been trying since 1975 to persuade the lawmakers to pass legislation embodying various federally financed compensation schemes that were designed to bail them out of their financial and legal difficulties. As for the insurance industry, once the appeals court had decided in favor of the exposure theory in I.N.A. v. Forty-Eight, it also began casting about for alternative solutions to the problems posed by asbestos litigation. Speaking before a

There is something intriguing (and very personal)
about the way he chooses his clothes.
His shirt is the key, somehow, to how splendid he always looks.
Paddock Club shirts.
Your private collection at very special specialty stores.
Paddock Club
by Arrow
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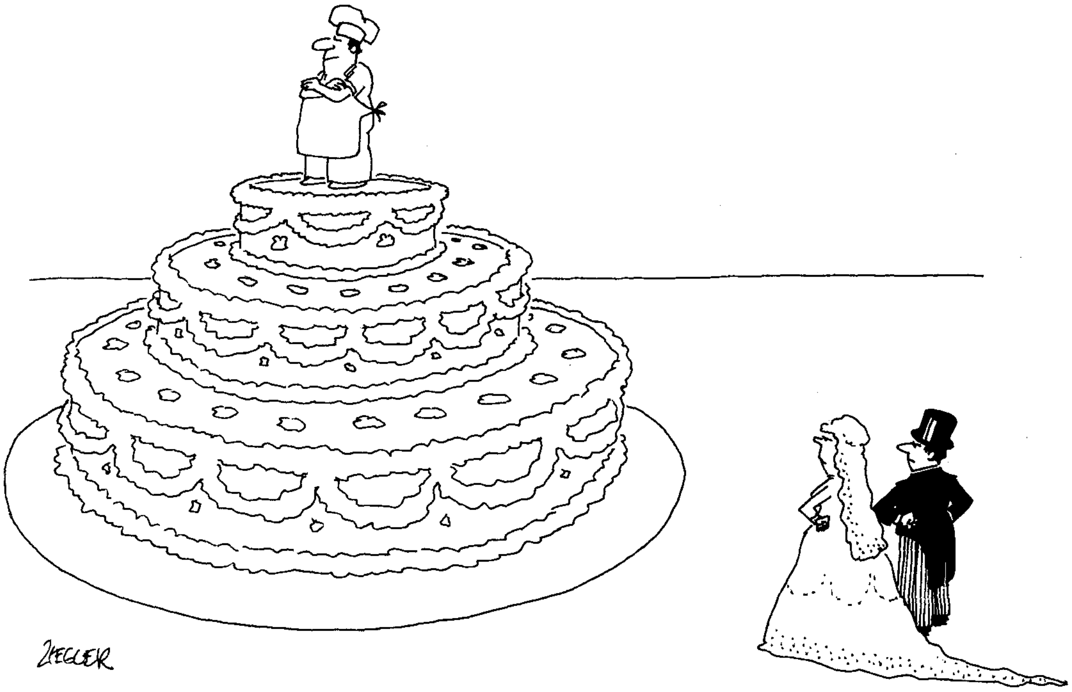


conference of special-risk underwriters in New York City in January of 1981, Anthony M. Lanzone, a specialist in insurance law and defense litigation, recommended that the industry establish an asbestos-compensation trust, to be financed by all potentially liable insurers, whether they subscribed to the exposure or the manifestation theory, and to be administered by an arbitration panel, whose members would review relevant medical reports and insurance-coverage history before determining the percentage of an insurer's payment, and whose decisions would be binding. He went on to warn that asbestosis and other industry-related diseases would "plague the insurance industry well into the future" unless their scope and magnitude were recognized.

Lanzone's warning was reiterated at the end of April, 1981, by Victor B. Levit, managing partner of the law firm of Long & Levit, of San Francisco and Los Angeles, in a talk he gave at Lloyd's of London, at the invitation of that venerable institution's non-marine-claims committee. Levit and his firm were representing Travelers in a year-old declaratory-judgment action that Johns-Manville had brought in San Francisco Superior Court against the Home Insurance Company and more than a score of other carriers, both primary and excess, including Lloyd's, in an effort to apply the exposure theory to its insurance coverage. The suit was later amended to include an action against Travelers, to force it to resume defending asbestos lawsuits. As for Lloyd's—syndicates of underwriters who have long been considered to be the boldest in the world—it had incurred tremendous potential liability as a result of having sold huge amounts of excess coverage since the nineteen-thirties to leading American asbestos-insulation manufacturers, including Johns-Manville.

At the outset of his talk, Levit cited an insurance-industry estimate that asbestos-disease lawsuits would cost insurers a billion three hundred and fifty million dollars, but he went on to say that this situation might be only the tip of the iceberg and to warn that toxic-latent-disease claims could eventually threaten the solvency of some insurance companies. By way of example, Levit talked about the thousand-odd lawsuits that had by then been brought against some of the manufacturers of diethylstilbestrol, or DES—a synthetic female hormone that had been designed to prevent the loss of fetuses by miscarriage but had later been found to produce cancer in some of the daughters of women who had taken the drug. He also mentioned mass litigation involving Agent Orange, the dioxin-containing herbicide that had been widely used as a defoliant in Vietnam; the Love Canal and other hazardous-waste dumps, of which there may be, according to the Environmental Protection Agency, as many as fifty thousand in the United States; the Three Mile Island nuclear power plant, where a partial meltdown of the reactor in 1979 had already resulted in a twenty-five-million-dollar settlement for persons living within twenty-five miles of the facility; radiation-induced injuries that were alleged to have resulted from the government's testing of nuclear weapons in Nevada and the Marshall Islands; and tampons and toxic-shock syndrome.

In outlining the seriousness of the mounting latent-disease litigation, Levit placed strong emphasis on a 1980 decision of the California Supreme Court which reversed a lower-court ruling in Sindell v. Abbott Laboratories. This was a DES case in which the Supreme Court shifted the burden of proof from the plaintiffs, who had traditionally been required to show that they had been harmed by the product of a particular defendant, to the defendant manufacturers, who, if they were to escape liability, would henceforth be required to prove that their products had not been used by the plaintiffs. The California Supreme Court did so because there were some two hundred manufacturers of DES and there was almost no way for a plaintiff to prove whose DES her mother had taken.

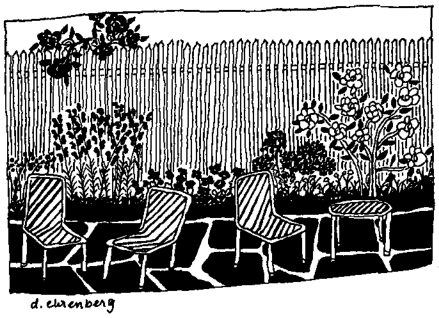
The decision in Sindell v. Abbott was of particular concern to Levit's client, Travelers, and to other insurance carriers who provided asbestos manufacturers with coverage, because, soon after it was handed down, Robert E. Sweeney, an experienced litigator from Cleveland, had amended the complaints of forty-two asbestos insulators to include allegations of market-share liability, and had then proceeded to negotiate settlements totalling nearly one and a half million dollars with fifteen asbestos manufacturers. In the largest settlement—a payment of four hundred and seventy-seven thousand dollars in the wrongful-death case of a forty-six-year-old pipe coverer who had died of malignant mesothelioma, an invariably fatal asbestos-induced tumor—Johns-Manville agreed to contribute a hundred and thirty-five thousand dollars, and Pittsburgh Corning agreed to pay twenty-five thousand dollars. In the end, however, Travelers, which held primary coverage for both firms, paid most of those sums.

By extension, of course, the Sindell decision had serious implications for Levit's audience at Lloyd's, because of the huge amount of excess insurance that Lloyd's had sold over the years to Johns-Manville, which was fast running out of primary insurance with Travelers. Levit became the bearer of additional bad tidings when he predicted that the Supreme Court would deny a hearing in I.N.A. v. Forty-Eight, and that an asbestos-health-hazards-compensation bill that had been introduced into the Ninety-sixth Congress, in 1980, by Senator Gary Hart, Democrat of Colorado, to set up a pool financed by government and industry to compensate the victims of asbestos disease, had little chance of being enacted by Congress, because "it has been labelled as a Johns-Manville bailout bill." Levit closed his talk with a gloomy look at the future, predicting that "there will be many more claims than we can possibly anticipate from toxic substances, that such claims will often take many years to manifest themselves, and that the pounds and dollars involved will be far greater than we can possibly imagine."

LEVIT'S lugubrious view was soon followed by a drumbeat of dire predictions that appeared to be designed to create the proper climate for a federal solution to the problem of asbestos disease. Some of the direst were to be found in a position paper entitled "Asbestos: A Social Problem," which was issued on May 12, 1981, by the Boston headquarters office of Commercial Union, a subsidiary of the British-owned Commercial Union Assurance Company that had incurred potentially overwhelming liability as a result of carrying what was widely estimated to be a billion and a half dollars' worth of primary and excess coverage for various asbestos-insulation manufacturers. Commercial Union not only held primary coverage for Johns-Manville between 1934 and 1948 and for Raybestos-Manhattan between 1967 and 1969 but had provided first-layer excess coverage for Pittsburgh Corning between 1960 and 1970, and for UNR Industries between 1964 and 1970, and had sold excess-insurance policies over the years to Johns-Manville, Armstrong Cork, Owens-Corning, and some forty other asbestos-insulation manufacturers. Since most of Commercial Union's coverage was for the period in which most of the disease-producing exposure to asbestos had taken place, the company had become a fierce advocate of the manifestation theory, and now that the manifestation theory had encountered rough sledding in the courts it was trying to paint asbestos litigation as a calamity requiring federal intervention.

In their position paper, the Commercial Union people enumerated the inadequacies of litigation as a compensation remedy, pointing out that costly pre-trial discovery could consume years of time and that after legal fees, workmen's-compensation reimbursement, and medical expenses a plaintiff who received a hundred-thousand-dollar jury award might take home less than half that amount. (The fact is, however, that pre-trial costs were significantly increased by the refusal of most defendant manufacturers to permit the use of pre-trial discovery that had been taken in other cases, thus forcing plaintiff attorneys to conduct the same discovery over and over again. Moreover, it was through pre-trial discovery that the culpability of the asbestos industry had been established to the extent that juries were by now routinely making awards far in excess of a hundred thousand dollars in asbestos-disease cases.) The Commercial Union people went on to say that proliferating asbestos claims were jeopardizing the financial stability of many insurance companies. Indeed, they pointed out that it was not inconceivable that several million claims for asbestos disease might eventually be filed, and that "the damages that will be ultimately awarded will exceed the combined assets of the insurance and asbestos industries." They then warned that this could result in a situation in which "private individuals will hold homeowners', health, and automobile insurance contracts that are worthless because there will no longer be sufficient assets to provide the protection purchased."

In the concluding section of their paper, Commercial Union's authors cited the need for a federal solution to the "pervasive social problem" of asbestos disease, claiming that citizens have "traditionally looked to the federal government to protect them from threats to public health," and arguing that many people suffering from asbestos disease had first been exposed to asbestos while working in shipyards during the Second World War, when the government required the use of vast amounts of asbestos in ship construction. In a curiously insensitive assessment of who was enduring the consequences of this, they wrote, "In effect, we are still paying for the war effort, only now it is private industry, rather than the government, that is doing so."

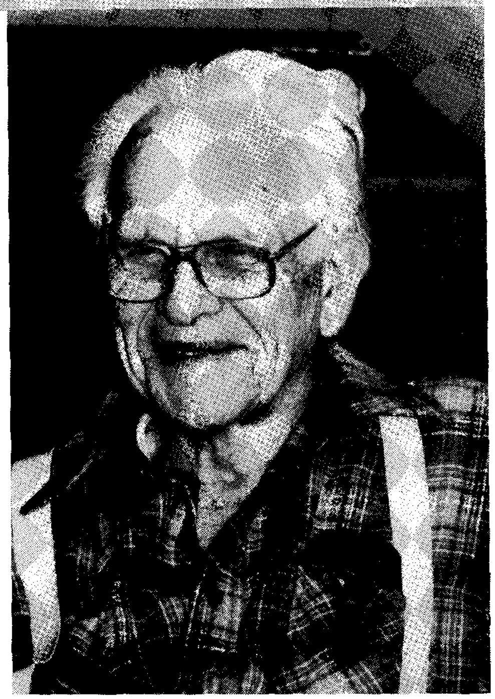


In calling for federal legislation to solve the problems created by asbestos litigation, Commercial Union seemed to be ignoring the fact that two bills had already been proposed in Congress to accomplish this goal and had been shot down in committee. The first was introduced in August of 1977 by Representative Millicent Fenwick, Republican of New Jersey, whose district included the town of Manville—home of Johns-Manville's giant asbestos-manufacturing complex. Fenwick's bill, which was called the Asbestos Health Hazards Compensation Act, and which was said to have been written with the assistance of Johns-Manville's legal staff, sought to bar victims of asbestos disease from bringing product-liability or other common-law tort actions against the asbestos industry, the tobacco industry, or the federal government and instead to compensate them from a federally administered central fund. It proposed that claims accruing before January 1, 1980, be paid by the United States Treasury, and subsequent claims out of a fund financed by mandatory contributions from the asbestos and tobacco industries together with equal contributions from the federal treasury. In 1979, the minimum base compensation for an asbestos worker who could prove that he was totally disabled by asbestos disease came to about five hundred dollars a month, while the maximum benefit for a man with a dependent wife and two or more children came to about a thousand dollars a month.

As might be expected, this proposed legislation was the target of much bitter criticism. None was more bitter than that levelled by Fenwick's colleague Representative George Miller, Democrat of California, who had

CLYDE RICE

A Heaven in the Eye



THE NEW YORK TIMES
FRIDAY, JUNE 15, 1984

Publishing:

By Edwin McDowell

An Old Mountain Man In A Success Story

In 1981, an old man who lived in the Cascade Mountains above Portland, Ore., telephoned Reed College and asked if any writer in residence might be willing to look over some of his writing. Gary Miranda, who was the writer in residence, explained that he did not think he could be of much help, and besides his first responsibilities were to his students. When the man apologized for his impulsiveness, Mr. Miranda told him to drop by for a cup of coffee if he was ever in the area.

A month or so later, Clyde Rice did drop by, and he and Mr. Miranda became friends. But Mr. Rice never discussed his writing until some months later, when Mr. Miranda managed to pry from him his 800-page single spaced autobiography. Soon after, at a dinner with James Anderson, publisher of Breitenbush Publications in Oregon, Mr. Miranda said how much he liked the book and asked if Mr. Anderson would read it and give his opinion.

Intrigued, Mr. Anderson...knew he wanted to publish the book.

"For a press whose biggest project until then was a 100-page book of poetry, this was no small commitment," said Mr. Anderson.

Completion of the book took two more years, 700 more pages, a grant from the National Endowment for the Arts and several editors—the final one being Mr. Miranda.

Last year, Breitenbush entered Mr. Rice's manuscript in the creative nonfiction category of the Western States Book Awards. Last December, Brietenbush was informed that its entry had won.

Consequently, "A Heaven in the Eye," Clyde Rice's first book, begun when the author was 75, will be published in August. The memoir of his life in the Pacific Northwest from 1919 until 1935 was praised by the jurors for its "pithy, lively readable style which chronicles a time now nearly forgotten."

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In a year of discoveries and first books by octogenarians
A Heaven In The Eye is the most extraordinary publishing story yet.

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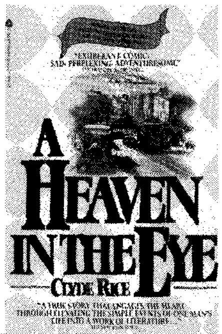
"A deeply-felt account that reaches out from distant and difficult times. Its optimism, candor and detail brings history to life." Seattle Post-Intelligencer



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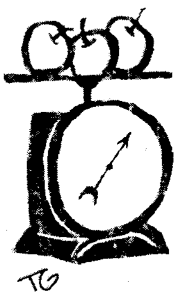
chaired hearings into the asbestos coverup in 1978, and whose district included Johns-Manville's plant in the California town of Pittsburg. Testifying before the Subcommittee on Labor Standards on May 2, 1979, Miller declared that Fenwick's bill had been "drafted and supported by the asbestos industry itself," and pointed out that "under the terms of this legislation, the obligation of paying for decades of neglect, negligence, coverup, and lies would be foisted upon the American taxpayer." Miller told his colleagues that to consider enacting such legislation would send "a clear message to every industry in this nation which produces hazardous or toxic substances" that "the federal government is willing to pay for your recklessness."

The second bill to compensate the victims of asbestos disease, which was also entitled the Asbestos Health Hazards Compensation Act, was the one that Senator Gary Hart introduced in 1980, after consultation with Johns-Manville, which in 1972 had moved its world headquarters from New York to the Denver area. Hart, it would turn out, had ties to Johns-Manville, and his bill was, if anything, even more favorable to the asbestos industry than Fenwick's. It not only proposed to bar the victims of asbestos disease from filing suits under the tort system but left the administration of asbestos-compensation claims with the states. Since the provisions of many state workmen's-compensation statutes had been heavily influenced by employers and their insurers, the statutes tended to be grossly biassed against claimants. Moreover, all of them required diseased workers, or the survivors of workers who had died, to prove their claims in proceedings that could be contested by employers and their insurance carriers. It is true that Hart's bill, which the *Syracuse Law Review* later described as being "of questionable constitutionality," called for the establishment of federal minimum standards for compensating asbestos workers, providing that compensation for total disability or death could not be less than two-thirds of a claimant's average gross weekly wage during the highest three of the five years preceding his disability or death. But it proposed that adherence to the minimum standards would be voluntary on the part of the states, and that workers who failed to receive adequate payments would have to file petitions for supplemental compensation with a federal benefits-review board.



WITH such profound shortcomings, neither the Fenwick nor the Hart measure—each appeared to reflect a desire on the part of its author to accommodate a powerful corporate constituent, and both had been bitterly attacked as Johns-Manville bailout bills—had a prayer of being enacted by Congress when they were reintroduced in 1981. What, then, had prompted Commercial Union to issue its desperate call for a federal legislative solution in May of that year? According to some observers, the answer is that Travelers, shortly after making its announcement, in April, that it would no longer indemnify or defend Johns-Manville in asbestos-disease product-liability lawsuits, had sent a similar announcement to Pittsburgh Corning, to which it had sold ten million dollars' worth of primary comprehensive general-liability insurance between 1961 and 1970. At that point, Pittsburgh Corning sent a written demand for indemnification in pending litigation to the Employer's Liability Assurance Corporation, of London—a firm that had covered Pittsburgh Corning with more than twenty million dollars' worth of first-layer excess insurance during the same period and had become part of Commercial Union in 1968. By way of reply, Commercial Union brought a declaratory-judgment action on May 21st in the United States District Court for the Eastern District of Pennsylvania, in Philadelphia, against Pittsburgh Corning and its owners—PPG Industries and the Corning Glass Works—as well as against Travelers, I.N.A., and the American Motorists Insurance Company, of Long Grove, Illinois. I.N.A. had provided Pittsburgh Corning with primary insurance between 1970 and 1973, and American Motorists, a subsidiary of the Kemper Corporation, also of Long Grove, had provided it with primary coverage between 1973 and 1975. In a ten-count complaint, Commercial Union accused Pittsburgh Corning, PPG, and Corning Glass of misrepresenting and concealing the dangers of asbestos from Commercial Union in order to buy more coverage. It accused Travelers of failing to properly defend asbestos-disease lawsuits that had been brought against Pittsburgh Corning, PPG, and Corning Glass, and of wrongfully paying settlements under the exposure theory, with the result that Travelers exhausted its primary-policy limits, and thus coerced Commercial Union into defending and indemnifying Pittsburgh Corning and its owners. In addition, Commercial Union accused I.N.A. and American Motorists of entering into an agreement with Travelers to allow it to settle improperly under the exposure theory and, not surprisingly, went on to maintain that the manifestation theory should apply in the case. Application of the manifestation theory would have got Commercial Union off the risk, because Pittsburgh Corning had been making asbestos-insulation products only since 1962, and asbestos disease, which usually takes at least ten years to develop, had not manifested itself to any great extent among Pittsburgh Corning's employees before 1970, when Commercial Union ceased carrying Pittsburgh's first-layer excess coverage.

As might be expected, Commercial Union's declaratory-judgment action provoked a number of summary-judgment motions, cross claims, and counterclaims on the part of the defendants. Chief among them was a motion by PPG, the purchaser of Pittsburgh Corning's insurance, asking Judge James T. Giles, who was presiding over the case, to declare that the policies issued by Travelers and Commercial Union were exposure policies, and to direct Commercial Union to assume PPG's defense and to pay judgments and settlements in future asbestos lawsuits, on the ground that Travelers had exhausted its coverage. Early in November, Judge Giles ruled in favor of PPG on the exposure-versus-manifestation issue, declaring that cumulative damage from asbestos inhalation occurs prior to manifestation of disease, and that the exposure theory governed the triggering of Commercial Union's coverage. Commercial Union then announced that, pending an appeal of Giles' ruling, it would assume Pittsburgh Corning's defense in some seven thousand six hundred asbestos lawsuits that were pending against the company. For the next eight months or so, litigation of the nine remaining counts in Commercial Union v. Pittsburgh Corning dragged on in Judge Giles' court in Philadelphia. It attracted little public notice, but, because Judge Giles refused the entreaties of both Commercial Union and Pittsburgh Corning to close the

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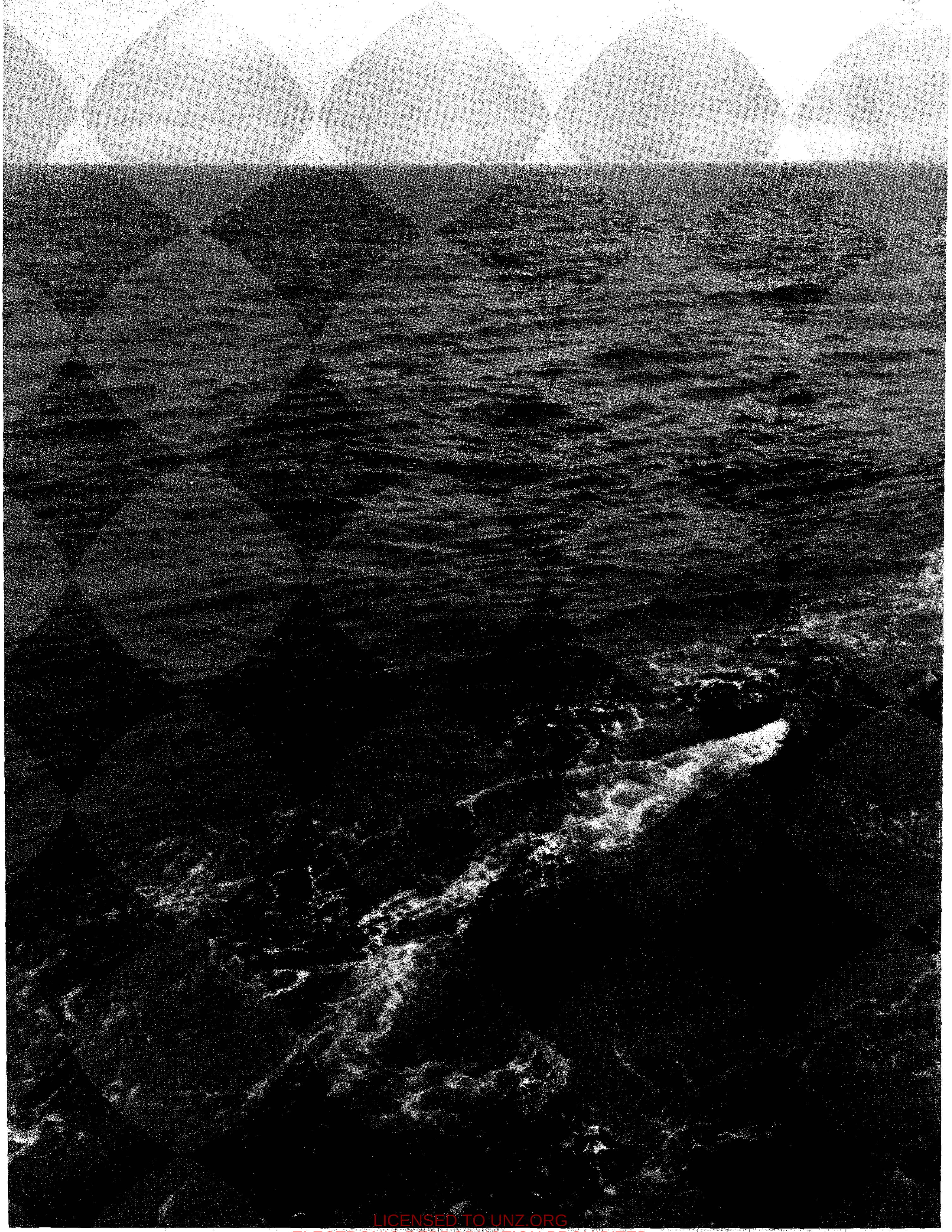

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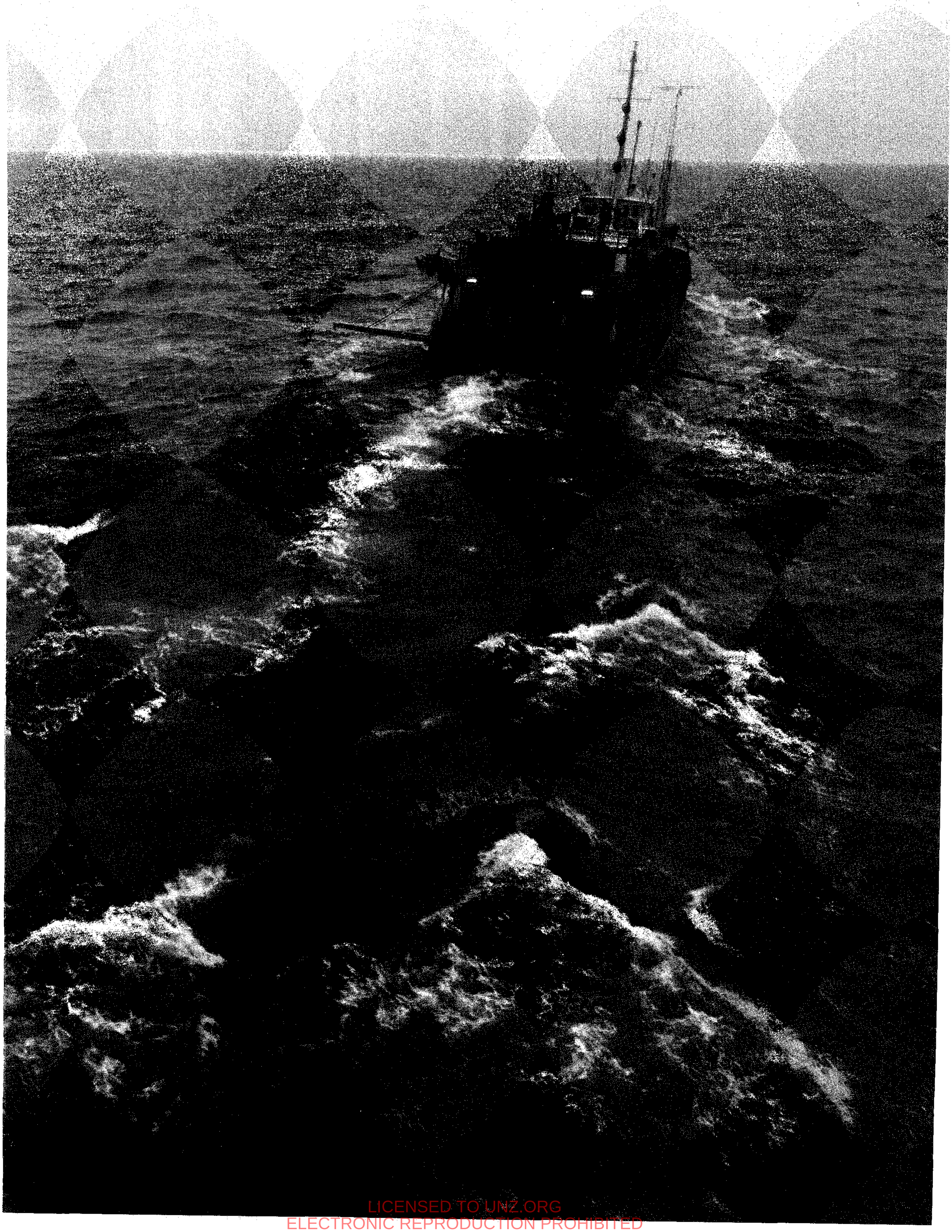

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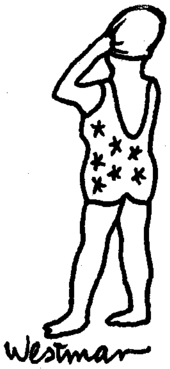
hearings he held or to permanently seal the records they produced, the case provided some rare and enlightening glimpses into the intricate world of insurance underwriting.

Most enlightening of all was a widely circulated chart that had been drawn up to show the bewildering assortment of comprehensive general-liability-insurance policies that PPG Industries had bought to cover itself and its subsidiary, Pittsburgh Corning, against product-liability lawsuits between 1961, the year before Pittsburgh Corning purchased UNARCO's asbestos-insulation business, and 1975. During each of the first nine years of that period, PPG (which was known as Pittsburgh Plate Glass until 1968) had bought a million-dollar primary-insurance policy from Travelers, and for each of the last five years it had bought a million-dollar primary policy from either I.N.A. or American Motorists. Starting in 1960, PPG also bought increasing amounts of excess insurance at three-year intervals, in order to protect itself and Pittsburgh Corning in the event that the limits of its primary coverage were reached. As a result, Pittsburgh Corning soon became one of the most heavily insured asbestos-insulation manufacturers in the business. Some observers believe that PPG did this knowing full well that by buying into the asbestos-insulation business Pittsburgh Corning was embarking upon a hazardous enterprise vulnerable to the possibility of product-liability litigation. In any event, over the first three-year period PPG bought two million dollars' worth of first-layer excess coverage from Employer's Liability (the English firm that later became part of Commercial Union) and eighteen million dollars' worth of additional excess coverage from a number of other insurers, among them the American Re-Insurance Company, of New York; the General Reinsurance Corporation, of Stamford, Connecticut; and Travelers. Its total insurance coverage for the three years, including primary coverage, amounted to twenty-one million dollars. During the second three-year period, PPG increased its first-layer excess coverage with Employer's to ten million dollars, and then bought twenty million dollars' worth of excess on top of that, bringing its total insurance coverage for that period to thirty-one million dollars. During the third three-year period, it bought additional layers of excess insurance, which brought its total coverage to fifty-one million dollars.

From then on, PPG continued to increase its excess insurance until, during the three-year period beginning in 1972, it had a total coverage of about a hundred and fifty million dollars. (The first forty million of excess coverage was held by the Home Insurance Company, Lloyd's, and various other British insurers, and the remainder was held by more than a dozen additional carriers.) Even more surprising was the fact that if all the layers of primary and excess insurance that had been bought by PPG over the fourteen-year period were to be stacked on top of one another and then triggered—a not impossible eventuality under the triple-trigger theory of insurance coverage embraced by the appellate court's decision in Keene v. I.N.A.—Pittsburgh Corning's product-liability coverage would amount to nine hundred and ninety-seven million dollars, for which, because excess insurance had been sold at bargain rates during much of that time, PPG had spent only an estimated half a million dollars in premiums. Most important of all, however, was the fact that, in keeping with traditional insurance practice, the carriers of PPG's excess policies had laid off much of their risk by selling between fifty and seventy-five per cent of it to various reinsurance companies in the United States, and these, in turn, had ceded portions of their risk to reinsurance investors in the London Market—the largest reinsurance industry in the world—which then ceded to reinsurance companies in Germany, Switzerland, Japan, Bermuda, and various islands in the Caribbean. What could well prove troublesome about this practice was that some of the reinsurers might not possess sufficient capital to cover their losses if the asbestos claims against Pittsburgh Corning, which in 1981 had penetrated the first layers of excess coverage, reached into the reinsurance layers and began to test their financial security.

Other asbestos manufacturers had also bought large amounts of cheap excess coverage from insurance carriers that also reduced their exposure by purchasing reinsurance from syndicates backed by investors who had little reason to expect that they would ever be called on to make good on the risk. (Over the years, for example, the return for reinsurance investors associated with Lloyd's has rarely fallen below a hundred per cent.) For this reason, by 1981 asbestos-product-liability litigation was seen as threatening to undermine the whole insurance enterprise—a rickety edifice at best, whose structural integrity, like the schemes of Ponzi and the periodic chain letters that have been his legacy, apparently depended on the maintenance of unlimited confidence that, if worst came to worst, the risk could be passed on and on, until money would somehow be found to pay for the losses. Accordingly, strenuous efforts were undertaken during that year to shore things up. A representative of one of the nation's leading multiple-line-insurance carriers made a special trip to England to assure the people at Lloyd's and other investors in the London Market that asbestos claims would not be allowed to cause a major collapse of the insurance system. On the home front, insurance-company representatives and their lawyers held meetings with other insurance companies to explore ways of coördinating defense efforts in order to reduce the rapidly increasing legal costs of asbestos litigation. And Aetna Life & Casualty, the nation's largest investor-owned insurance company, acquired the American Re-Insurance Company—a firm that was believed to be especially vulnerable to asbestos claims—in a move that some observers felt was a rescue operation designed to prevent the loss of a key card in a house that might be built of cards. Meanwhile, out of public sight and mind, in courts around the country insurers were trying to get off the risk by accusing one another of improperly settling asbestos claims and by continuing to do battle over the exposure-versus-manifestation issue with the companies they had insured. In several cases—most notably in Commercial Union v. Pittsburgh Corning—they were even asking for a recision of the insurance policies they had issued, on the ground that asbestos manufacturers had misrepresented and concealed the hazards of asbestos from insurance underwriters, and so had bought product-liability coverage through fraud.

In reality, many of the nation's insurers had known for decades that asbestos workers were dying early, but had kept silent while their underwriters wrote policies for workmen's compensation and comprehensive general liability as fast as they could put pen to paper, and while the premiums from those policies were invested with the expectation that few claims for asbestos disease would ever be made. It was the life-insurance companies that first became aware of the excessive mortality rate among asbestos workers—a simple matter of studying their actuarial tables and discovering that the workers were experiencing premature deaths. As early as 1918, an official of the Prudential Insurance Company, of Newark, New Jersey—in 1984, with almost eighty billion dollars in assets, it was the nation's wealthiest life-insurance company—acknowledged that it had become the practice of many carriers not to issue life-insurance policies to asbestos workers. In 1928, officials of leading life-insurance carriers, including the Penn Mutual Life Insurance Company, of Philadelphia, and the John Hancock Mutual Life Insurance Company, of Boston, assessed asbestos workers as risks who were to be selected with great care, and who were to be issued policies bearing extra premiums that provided for an extra mortality rate of fifty per cent. A year later, the Metropolitan Life Insurance Company, of New York—it was then the largest life-insurance company in the United States, and was the carrier of group life insurance for Johns-Manville's employees—undertook a health survey of the asbestos-textile industry for Johns-Manville and Raybestos-Manhattan and found that large numbers of asbestos-textile workers were developing incurable and potentially fatal pulmonary disease.



In 1935, the United States Public Health Service published a version of Metropolitan Life's original report of this survey, which contained changes favorable to the asbestos industry that had been suggested by Johns-Manville lawyers, and forty years later Metropolitan Life was named as one of several defendants in lawsuits brought by two hundred and eighty-six former workers, together with the wives or husbands of those workers who were married, at Raybestos-Manhattan's Passaic plant, who alleged that the insurance company had conspired to withhold and suppress information that was vitally important to their health and well-being. Although Metropolitan Life was subsequently dismissed as a defendant in the vast majority of these cases, the company saw fit to contribute to a fifteen-and-a-half-million-dollar settlement that was reached early in 1981 with all six hundred and eighty-three plaintiffs who had by then brought suit. Moreover, in the spring of 1984 Judge Harold Ackerman, who had presided over the Passaic cases, refused to dismiss a complaint alleging conspiracy to withhold and suppress information which had been brought against Metropolitan Life by several former workers at Johns-Manville's plant in Manville, New Jersey, who was being represented by Karl Asch, the lawyer responsible for unearthing the Sumner Simpson letters. (These letters revealed that during the nineteen-thirties Johns-Manville and Raybestos-Manhattan had tried to prevent public disclosure of knowledge that asbestos inhalation could cause lung scarring.) The case is one of eighty or so similar cases from the Manville plant that were consolidated by Judge Ackerman, who later ruled that Metropolitan Life could be held as a defendant in claims of negligence, fraudulent concealment, and conspiracy in all of them, and it is not expected to go to trial until 1986. When it does, it may finally settle the question of whether Metropolitan Life—with assets in 1984 of almost seventy billion dollars, it was the nation's second-wealthiest life-insurance carrier—can be held legally accountable for altering passages in its 1935 report of asbestos disease to suit the asbestos industry, and for allegedly withholding vital information from asbestos workers.

As for the property and casualty insurers, they also had early knowledge of the health hazards of asbestos. For example, the Aetna Life & Casualty Company—with assets of more than fifty billion dollars it is the nation's largest publicly held multiple-line carrier—has carried workmen's-compensation insurance over the past fifty years for a number of asbestos-insulation manufacturers and has carried primary product-liability insurance for Owens-Illinois, Owens-Corning, Armstrong Cork, Keene, the Celotex Corporation, and AMATEX (formerly the American Asbestos Textile Corporation), of Norristown, Pennsylvania. In addition, Aetna has incurred tremendous potential exposure to asbestos claims as a result of providing excess product-liability coverage for some of these companies and for Johns-Manville as well. Aetna is today an ardent supporter of the manifestation theory. As early as 1934, however, Dr. Roscoe N. Gray, surgical director of the Aetna Life Insurance Company, which is part of Aetna Life and Casualty, wrote a book entitled "Attorneys' Textbook of Medicine," with a section on asbestosis that in effect demolished the validity of the manifestation theory. After declaring that asbestos fibres, once inhaled, "continue their slow, insidious tissue destruction through the years, even though exposure may long have terminated," and that asbestosis is obviously caused by all the asbestos that has been inhaled, Gray advised that "disability should be charged pro-rata to all carriers during the entire time of asbestos exposure."

By the time Gray's book appeared, Aetna was undoubtedly learning about the ravages of asbestos as a result of paying claims, and by 1941 the company's underwriters had apparently drawn some conclusions from that experience, for on May 19th of that year, at a meeting of the American Industrial Health Association in St. Louis, an Aetna safety engineer said that workers engaged in the manufacture of fibre glass were not subject to special risk and "don't require as high a rate as for asbestos." In the audience was a representative of the Hartford Accident & Indemnity Company, which is one of the larger casualty insurers in the nation. (It is part of a cluster of insurance companies known as the Hartford Group, which is heavily exposed to asbestos claims as a result of having underwritten product-liability insurance for Keene and American Optical during the early nineteen-seventies.) However, the Hartford people probably learned little about the asbestos hazard that they didn't already know, for they had settled a workmen's-compensation claim for asbestosis brought by a Raybestos-Manhattan worker as early as 1932.

During the nineteen-fifties, Travelers settled many workmen's-compensation claims for asbestosis that were brought against Johns-Manville and Armstrong Cork by asbestos insulators who had developed the disease as a result of working for insulation contract firms that were wholly owned by the two manufacturing companies. These settlements show that Travelers either was or should have been aware of the asbestos health hazard for insulation workers for nearly a decade before the risk was documented by

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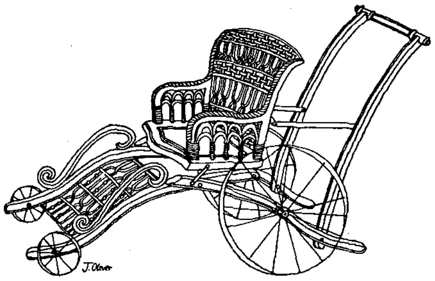
Dr. Irving J. Selikoff, of the Mount Sinai School of Medicine, in New York, and his colleagues, who demonstrated that these workers were dying of lung disease at an epidemic rate. At the same time, Travelers was selling millions of dollars' worth of product-liability coverage to Johns-Manville, and was thus presumably obliged to contribute to the 1959 settlement of Le Grand v. Johns-Manville—the first third-party product-liability lawsuit ever filed by an asbestos insulator against Johns-Manville. This, of course, indicates that Travelers and Johns-Manville should have known that insulators were at risk of developing asbestos disease. Yet, starting in the early nineteen-seventies, Travelers and Johns-Manville defended asbestos lawsuits brought by insulators for at least ten years with the claim that they had had no such knowledge until 1964.

As for evidence that Travelers should have known early about the carcinogenicity of asbestos, it is worth noting that the company sent a representative to the Seventh Saranac Symposium, in 1952—a meeting sponsored by the Trudeau Foundation's Saranac Laboratory, at which the subject of asbestos-related lung cancer was thoroughly discussed. The 1952 symposium was also attended by officials of Liberty Mutual—a Boston-based carrier whose attorney complained nearly thirty years afterward that "we're finding so many things to be carcinogenic, you never know what you're insuring that might turn up as a carcinogen later." Still another attendee at the 1952 symposium was the American Mutual Liability Insurance Company, of Boston (it later moved to the nearby town of Wakefield), which sent two delegates. American Mutual Liability had been incorporated in 1887, and had long been considered a leader in the field of workmen's-compensation insurance; and by 1952 such insurance accounted for nearly two-thirds of its almost seventy-million-dollar annual business. The company had carried workmen's compensation for several shipyards during the Second World War, including the Bath Iron Works yard, in Bath, Maine, and the Ingalls Shipbuilding Corporation's facility at Pascagoula, Mississippi. It also insured a number of asbestos manufacturers; in fact, in 1956, four years after the Seventh Saranac Symposium, it was carrying workmen's-compensation coverage for asbestos plants owned by the Carolina Asbestos Company, the Union Asbestos & Rubber Company, the Asten-Hill Manufacturing Company, and the Keasbey & Mattison Company, of Ambler, Pennsylvania.

American Mutual Liability had apparently encountered few problems with its asbestos-manufacturing clients until the late nineteen-fifties, when it received six claims for asbestosis filed by workers employed at Keasbey & Mattison's factories in Ambler. (One of the Ambler plants was engaged in the manufacture of asbestos pipe covering; another made asbestos-cement board; and a third turned out asbestos-textile products. In addition, Keasbey & Mattison owned an asbestos-cement factory in St. Louis and an asbestos-textile mill in Meredith, New Hampshire.) Keasbey & Mattison had been founded in 1873, and it had made milk of magnesia exclusively until Dr. Royal Mattison, one of its founders, accidentally spilled some milk of magnesia on a hot pipe and, finding that it adhered, got the idea of using it to make insulation. In the late nineteenth century, Keasbey & Mattison began adding asbestos to its magnesia insulation products, and in 1934 it became a wholly owned subsidiary of Turner & Newall, of Rochdale, England, the owner of the Turner Brothers Asbestos Company, also of Rochdale, which is one of the largest asbestos manufacturers in Great Britain. No one knows just when officials of Keasbey & Mattison first learned that asbestos could cause disease, but they surely knew it by 1936, when Sumner Simpson, the president of Raybestos-Manhattan, wrote to Augustus S. Blagden, their president, proposing that the company join with Raybestos-Manhattan and Johns-Manville in financing animal studies that would help the asbestos industry defend against workmen's-compensation claims for asbestosis. Eight years later, Keasbey & Mattison became a charter member of the Asbestos Textile Institute, and over the next decade it sent representatives to numerous meetings at which the problem of asbestosis was urgently discussed. Thus, the Keasbey & Mattison people could hardly have been surprised when, in the late nineteen-fifties, workmen's-compensation claims for asbestosis were filed by their employees in Ambler. What happened after that provides still another example of the disregard for human life that has characterized the actions of asbestos manufacturers from one end of the nation to the other. It also provides reinforcement for the conclusion that insurance companies in the United States had early knowledge of the asbestos health hazard.



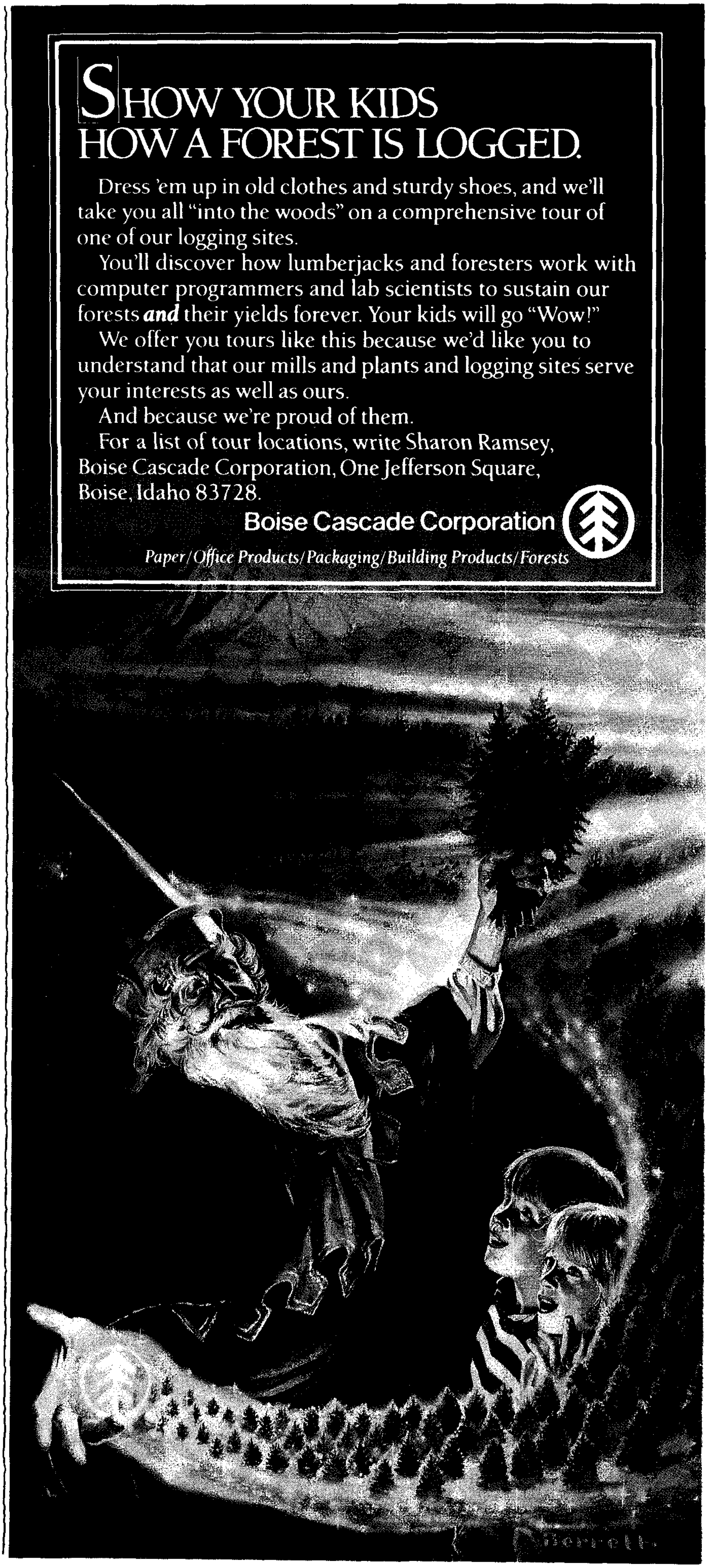
In June of 1956, an engineer from American Mutual Liability's Atlantic Division surveyed Keasbey & Mattison's Ambler factories, found that asbestos-dust concentrations were within permissible limits in all of them, and described his findings to his superiors in a report labelled "Special Risk." In September, John B. Skinner, an industrial hygienist for American Mutual Liability, who had attended the 1952 Saranac Symposium, and Joseph E. Leahy, an engineer for the insurance company, inspected Keasbey & Mattison's asbestos-textile factory in Meredith, New Hampshire, and measured high concentrations of asbestos dust in the carding room, where twenty-eight workers were employed. In a report that was sent to his superiors, as well as to officials of Keasbey & Mattison, Skinner predicted that if the conditions in the carding room at the Meredith plant were not corrected nearly twenty per cent of the workers would develop asbestosis within five to ten years, and that half of them would develop the disease if they were exposed for more than fifteen years.

Nevertheless, the Keasbey & Mattison people did little or nothing to improve the ventilation system in their Meredith plant, for when Joseph Leahy, who was now an industrial hygienist at American Mutual Liability, reinspected the factory, in May of 1958, he found asbestos dust in the same high concentrations as before. At the time, the managers of the insurance company made inquiries to ascertain their liability, and learned that under the New Hampshire Workmen's Compensation Statute asbestosis was subject to claim only in the event of total disability. By the summer of 1959, when six claims for asbestosis had been filed by workers at Keasbey & Mattison's Ambler plants, where asbestos-dust levels had been found to be within permissible limits, and the chest

X-rays of fourteen other employees showed signs of disease, the American Mutual Liability people began to worry about being confronted by a flood of additional asbestosis claims if Pennsylvania began to pay for partial disability. Still, as one of them put it, the existing situation was such that "a claimant has to be a stretcher case in Pennsylvania before he can file a claim which will be considered."

In September of 1961, officials of American Mutual Liability were highly critical of an attempt by Robert R. Porter, then the president of Keasbey & Mattison, to enlist their support in trying to prevent the United States Public Health Service from undertaking a long-overdue study of the relationship between asbestos exposure and lung cancer. At that time, Porter's motives were analyzed in a memo by William E. Shoemaker, the assistant manager of the engineering department at American Mutual Liability's Atlantic Division. He observed that if Porter saw fit to do something about controlling asbestos-dust levels he might not have to worry so much about the proposed study of asbestos and cancer. "It appears that their chickens are a little closer to coming home to roost," Shoemaker wrote, referring to asbestosis that was developing among Keasbey & Mattison's employees. "We must be very careful that they stay where they belong and don't roost on us."

Five months later, Shoemaker sent Keasbey & Mattison an excerpt from an article that had appeared in the July, 1955, issue of the American Medical Association's *Archives of Industrial Health*, which described an investigation of asbestos disease that had been conducted by Great Britain's Factory Department. Among other things, the article stated that the connection between asbestosis and cancer of the lung was becoming clearer; that cases of asbestosis were being found in workers who applied asbestos insulation to pipes and boilers; and that protective measures were difficult in insulation operations, "particularly if asbestos is being sprayed." Since Shoemaker knew that Keasbey & Mattison was selling a sprayed asbestos-insulation product called Limpet—it had been licensed to do so by Turner Brothers, the makers of Limpet—he implied that the company might encounter liability as a result. Indeed, he counselled that "even though your company does not spray-apply the Limpet they sell, your legal advisers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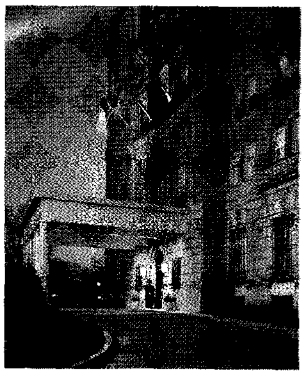

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As things turned out, Keasbey & Mattison sold its assets within a few months and got out of the asbestos-manufacturing business. The asbestos-textile plant in Meredith, New Hampshire, was bought by the American Asbestos Textile Corporation, and the asbestos plants in Ambler were purchased by Nicolet Industries and the Certain-Teed Products Corporation, of nearby Ardmore, which also bought the asbestos-cement plant in St. Louis. The license to sell and apply Limpet was given to the Armstrong Contracting & Supply Company, a subsidiary of Armstrong Cork, and was later transferred to the Atlas Asbestos Company, of Montreal, a subsidiary of Turner & Newall. As for the American Mutual Liability Insurance Company, it issued new guidelines in 1965 for underwriting, stipulating that any asbestos manufacturer it insured thereafter would be required to institute a medical program for its employees and to install adequate dust-control systems in its factories.

The Keasbey & Mattison affair might have remained buried forever if it had not been for Ronald Motley, an indefatigable litigator from Charleston, South Carolina. He uncovered documents detailing the relationship between Keasbey & Mattison and American Mutual Liability in 1979, during the discovery proceedings in a case involving the Ingalls Shipbuilding Corporation. In the spring of 1981, nearly twenty years after Keasbey & Mattison had got out of the asbestos business, Motley used the evidence of this relationship to good advantage in settling Dana Bond v. Atlas Asbestos Company and Turner & Newall, Ltd., for a record million four hundred thousand dollars. The case involved a high-school teacher in Missouri who had worked for three weeks one summer with his father spraying Limpet on the steel girders of high-rise buildings, and had died of mesothelioma at the age of thirty-three. Turner & Newall and J. W. Roberts, Ltd.—a Turner & Newall subsidiary that had developed the spray gun and the process by which Limpet was applied—paid six hundred and fifty thousand dollars toward the settlement; Armstrong Contracting & Supply paid another six hundred and fifty thousand; and Armstrong Cork paid the rest.

Also in that spring of 1981, Paul Gillenwater, a prominent asbestos litigator from Knoxville, had attempted to name the American Mutual Liability Insurance Company as a defendant in a series of lawsuits that had been brought by asbestos insulators in the circuit court for Knox County, Tennessee. Gillenwater's complaint alleged that the carrier had actively conspired to alter, misrepresent, and suppress knowledge of the hazards of exposure to Keasbey & Mattison's asbestos-insulation products. The presiding judge in the cases dismissed Gillenwater's complaint, however, on the ground that the carrier could not be held liable for the allegations under Tennessee law; Gillenwater decided that an appeal would probably be of little avail, so the question of whether American Mutual Liability can be held legally responsible for its past conduct has yet to be tested.

IT was a few weeks before Motley settled the Bond case that Commercial Union brought its declaratory-judgment action accusing Travelers of failing to properly defend asbestos-disease lawsuits that had been brought against Pittsburgh Corning, PPG Industries, and Corning Glass Works, and accusing Pittsburgh Corning and its owners of concealing the dangers of asbestos from Commercial Union's casualty underwriters. Commercial Union's lawsuit crowned a series of moves that had branded it as a maverick in the insurance world. In addition to levelling bitter criticism at the fellow-insurers who advocated the exposure theory, the company opposed block settlements—a practice in which insurance companies settle multiple claims against their insureds by paying the same amount of money to a substantial number of claimants. Commercial Union had also been calling upon its fellow-insurers to file cross complaints against the United States, on the ground that the government had been responsible for asbestos exposure in the shipyards during the Second World War, and to file cross complaints against the tobacco industry on the ground of scientific evidence showing that asbestos workers who smoked cigarettes ran a far greater risk of developing lung cancer than those who did not smoke.

Naturally, none of this sat well with Commercial Union's colleagues in the highly conservative insurance community, who feared that because of the government's claim to immunity from asbestos lawsuits they might merely multiply their legal costs with little

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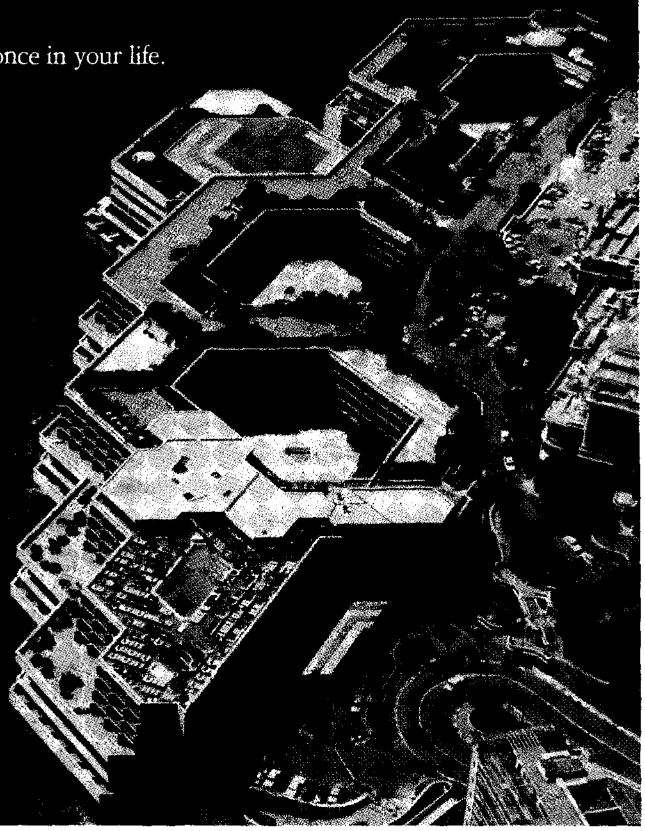

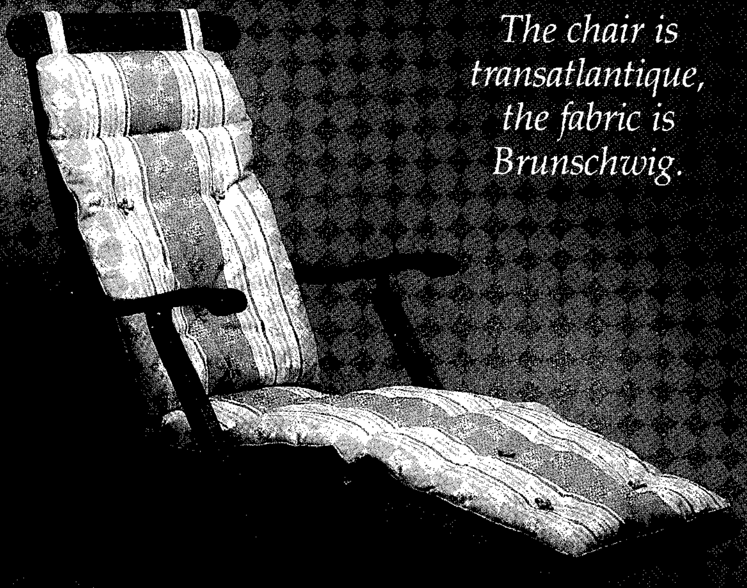

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chance of success. They also worried that if they sued the tobacco companies, for which some of them provided insurance coverage, they would be not only suing themselves but also antagonizing an immensely wealthy industry, which could afford to wage brutally expensive warfare in the courts. As a result, most insurers refused to answer Commercial Union's call, and pursued the so-called empty-chair theory, in the hope of getting jurors to assume that the government and the tobacco industry bore some of the responsibility for asbestos disease even though neither was seated at the defense table.

During 1981 and 1982, Commercial Union continued to send out a barrage of protest against the exposure theory and to make dire predictions about the adverse effects of asbestos litigation on the insurance industry. These predictions were perhaps voiced most strongly in January of 1982, when Paul W. MacAvoy, who was then Frederick William Beinecke Professor of Economics at Yale, and who had formerly been a member of President Ford's Council of Economic Advisers—he is now Dean of the Graduate School of Management at the University of Rochester—released the results of a study entitled "The Economic Consequences of Asbestos-Related Disease," which he had undertaken with two associates, and which had been financed by Commercial Union.

To begin with, Professor MacAvoy and his colleagues estimated that over the next twenty to thirty years total asbestos-disease damage awards could amount to as much as ninety billion dollars, though thirty billion was more likely, and that the bulk of the money would probably come from the casualty and property carriers that had insured the asbestos manufacturers. They went on to predict that if some insurance carriers went bankrupt "policyholders with seemingly no stake in asbestos suits will be forced to bear, though inadvertently so, part of the costs of the underestimation of the size of eventual asbestos claims." As for whether the insurance companies had any responsibility for underestimating the asbestos-disease hazard, Professor MacAvoy and his associates managed to conclude that although asbestos manufacturers had had knowledge of the hazard for decades, it was "only barely perceived" by the insurance industry, which, as a result, failed to charge sufficient premiums for the liability policies it issued to asbestos manufacturers.

In February of 1982, Professor MacAvoy, who was then a regular contributor to the *Times* Sunday Business section, published an article in the section entitled "You, Too, Will Pay For Asbestosis." In his article, which was based upon the findings of his study, Professor MacAvoy did not repeat his contention that the insurance industry had failed to be aware of the extent of the health hazards associated with asbestos exposure. Instead, after informing his readers that when he was a teen-ager looking for a summer job, some thirty years earlier, his parents had warned him against going to work in an asbestos-insulation factory, he appeared to suggest that asbestos workers were to blame for the tragedy that had befallen them, because they did not have parents as prescient as his own. "Faced with such dangerous operations, workers should have demanded higher wages or insurance against those hazards," he wrote. "Even without strong union support, in an expanding economy merely following advice such as that of my parents should have created relative scarcity and consequently higher wages in the insulation industry." As for who would finally pay for the costs of asbestos litigation, Professor MacAvoy suggested that insurers might raise the money by doubling the premiums on automobile and product-liability policies. He concluded his article by warning his readers that "another social disease has struck, and the bell tolls for thee at the insurance office, as premiums go up to pay for it."

In a letter of reply that was published in the *Times* a week later, Robert Sweeney, the Cleveland litigator, took MacAvoy to task for his analysis of the asbestos problem. "It is most unfair to call the asbestos problem a social disease and to pass on the cost of retiring it by raising premiums on all types of insurance," Sweeney wrote. "The asbestos industry has engaged in practices that are indefensible. The insurance industry has written the coverage and perhaps has done so incompetently."

WITHIN a few months, Professor MacAvoy's pronouncement that the asbestos hazard had been "only barely perceived" by the insurance carriers who wrote product-liability coverage for the asbestos industry received a jolt when Commercial Union found itself back in federal district court before Judge James T. Giles, who had decided to hear arguments on whether he should summarily rescind the product-liability-insurance policies sold by Commercial Union to PPG Industries and Pittsburgh Corning, on the ground that the two companies had deceived Commercial Union about the asbestos hazard. Appearing before Judge Giles on June 24, 1982, a lawyer for Pittsburgh Corning argued against recision by quoting from Commercial Union's own 1937 engineering manual, which stated that "a potential asbestos hazard is to be looked for wherever asbestos dust is created," and that "industries which have this exposure to asbestos dust include insulation." After saying that "someone cannot be deceived with regard to what he already knows," the attorney for Pittsburgh Corning went on to cite testimony given by Commercial Union's own underwriters which indicated that they had written product-liability insurance for the asbestos industry on the assumption that the primary insurance carrier had adequately investigated the risk.

In arguing for recision of the insurance policies, Commercial Union's lawyer attempted to revive the all but moribund state-of-the-art defense by asserting that his client could not have known that asbestos insulation was hazardous for the insulators who installed it until 1964, when Dr. Selikoff and his associates announced the results of their study of mortality among asbestos insulators. He explained that Commercial Union's 1937 engineering manual referred only to the writing of workmen's-compensation insurance for asbestos-factory workers, and he suggested that because PPG and Pittsburgh Corning had had prior knowledge of the hazard for insulators their purchase of product-liability insurance in the early nineteen-sixties was fraudulent.

Judge Giles did not appear to buy this argument. "Commercial Union is not a giant-come-lately to the insurance business, and they had information going back to 1937 pointing a finger at asbestos," he declared. "What is it that Commercial Union could not have discovered using its own resources with respect to asbestos? What research could it not have done? What intelligence did it not have?"

As things turned out, Commercial Union withdrew the allegation that it had been deceived about the asbestos hazard before Judge Giles could rule on it—no doubt because his impatient questions clearly indicated how he felt about the matter. Of course, Judge Giles could have asked the very same questions of any of the thirty or so other carriers that had insured the asbestos industry for product liability over the years, since even a cursory assessment of their actuarial tables, rating schedules, physicians' reports, workmen's-compensation claims, underwriting guidelines, and safety-and-engineering manuals would probably show that, far from barely knowing of the asbestos hazard, virtually all these companies not only had known for decades that inhalation of asbestos could cause incurable lung disease but also had had good reason to suspect that lung disease was taking a heavy toll of the nation's asbestos workers. If at some point along the way Aetna, Travelers, Commercial Union, Liberty Mutual, I.N.A., Hartford, Home, Lloyd's, or any of the other major insurers of the asbestos industry had gone public with their inside knowledge, they might well have been able to save tens of thousands of lives and to forestall untold suffering and pain. Such disclosure, however, would have encouraged claims and damage suits, and run counter to basic insurance-company practice, which is to write as much coverage as possible, and as cheaply as possible, in order to reap a rich harvest of policy premiums that, when invested, will return enough money to pay for future claims and make a profit for the company. So the insurers of the asbestos industry decided to say nothing, look the other way, and, when necessary, pay asbestos claims quickly and quietly, out of court. This strategy, which they pursued for many years, enabled them to take in millions of dollars in premiums by selling billions of dollars' worth of product-liability insurance, and to remain confident as they did so that asbestos claims and, therefore, underwriting losses could be kept to a minimum. At the same time, it helped to conceal behind a dam of silence a vast and ever-increasing reservoir of disease, disability, and death. Only after Ward Stephenson, the pioneering Texas attorney, won the landmark 1971 case of Clarence Borel v. Fibreboard Paper Products Corporation, et al.—the first product-liability lawsuit involving an asbestos insulator in which the plaintiff gained a jury verdict—did the dam slowly give way

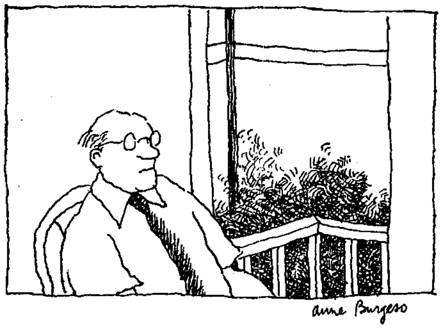
and the deluge of litigation for which the carriers and the manufacturers whom they insured now seek public remedy come cascading down upon their heads.

WHILE the asbestos manufacturers and their insurance companies were suing one another in a mad scramble to avoid liability, attorneys for the plaintiffs' bar were chalking up some impressive victories in asbestos lawsuits around the country. Their success had been hard-earned, over more than a decade. In the fall of 1971, Ward Stephenson had won a verdict of sixty-eight thousand dollars in Borel v. Fibreboard. After Stephenson died, in 1973, his partner, Marlin Thompson, continued to settle asbestos claims in East Texas for between sixty and a hundred and twenty thousand dollars over the next two years. In the autumn of 1974, Paul J. Louisell, an attorney in Duluth, obtained a damage award of two hundred thousand dollars in Karjala v. Johns-Manville. And in the spring of 1976 Tom Henderson, a lawyer in Pittsburgh, used a deposition from Dr. Kenneth W. Smith, Johns-Manville's former medical director, to win a ninety-thousand-dollar verdict against Johns-Manville for the estate of an asbestos worker named William V. Sampson, who had died of mesothelioma. During the next two years, however, plaintiff attorneys encountered great difficulty in getting the Smith deposition admitted in evidence in other jurisdictions, and they lost a number of important cases to defense attorneys like Lively Wilson, of Louisville, Kentucky, who had fashioned a highly effective state-of-the-art defense for Johns-Manville.

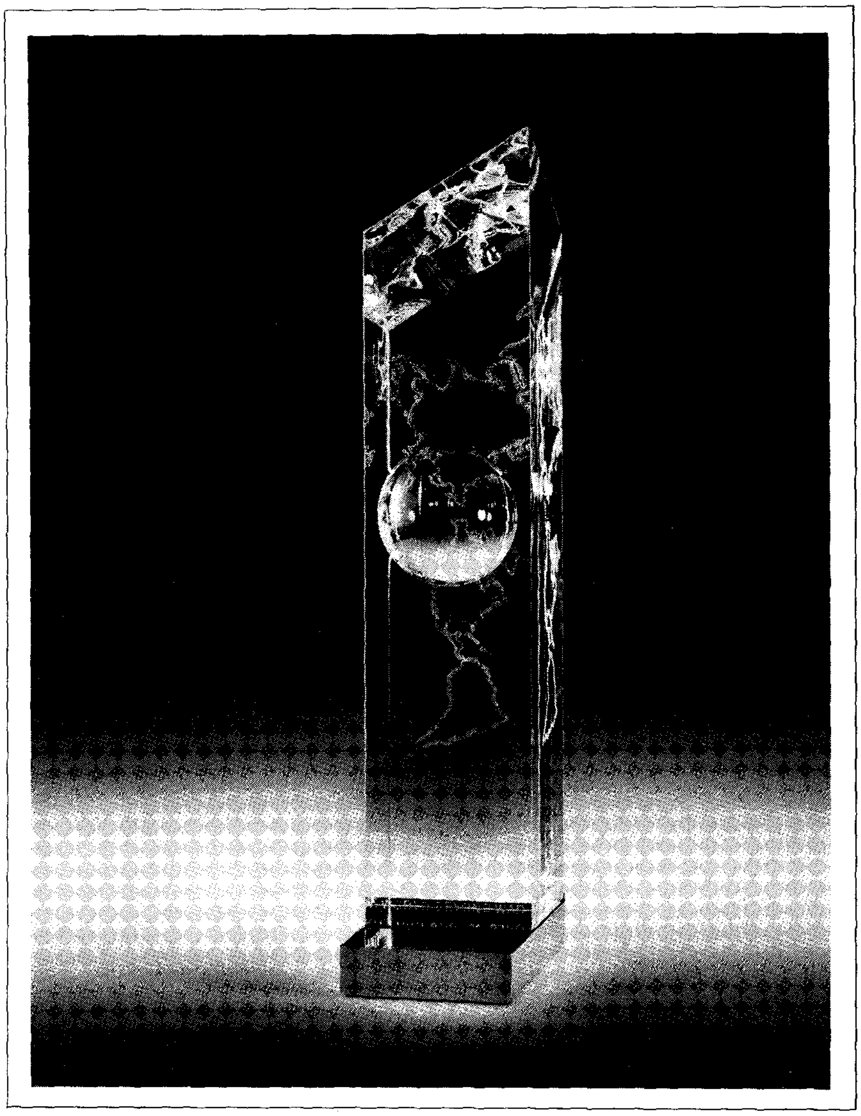
Things began to look brighter for the plaintiff lawyers in the winter of 1978, when it was announced that three Texas attorneys—Fred Baron, Scott Baldwin, and Rex Houston—had negotiated a settlement of twenty million dollars for four hundred and forty-five former workers or their survivors at Pittsburgh Corning's asbestos-insulation factory in Tyler, Texas. In June, in a suit against Johns-Manville and four other asbestos manufacturers, Richard Glasser, Gene Locks, and Robert Hatten won a verdict of seven hundred and fifty thousand dollars for the family of an asbestos insulator in Yorktown, Virginia, named Ira Dishner, who had died of mesothelioma. Partly because of a highly restrictive Virginia statute of limitations, these damages were subsequently negotiated down to two hundred and seventy-five thousand dollars, but Dishner v. Johns-Manville encouraged plaintiff attorneys across the country, for the government had just announced that as many as eleven and a half million American men and women who had been exposed to asbestos on the job, including about four and a half million who had worked in the nation's shipyards during the Second World War, were at serious risk of developing asbestos disease, and the Surgeon General had sent a letter about the problem to four hundred thousand physicians.

Above all, however, 1978 is remembered by asbestos litigators as the year of great discovery, thanks to the dissemination of such incriminating documents as the Sumner Simpson correspondence, which was unearthed by Karl Asch, a New Jersey lawyer, a year earlier; the minutes of early Johns-Manville board of directors' meetings, which were uncovered by George Kilbourne, an attorney from Martinez, California; and the asbestosis claims brought by insulators working for contract units owned by Johns-Manville and other leading manufacturers, which were painstakingly excavated from old workmen's-compensation files by Paul Gillenwater, Ronald Motley, and Barry Castleman, an investigator from Washington, D.C.

These dramatic disclosures of early knowledge of the asbestos hazard on the part of defendant manufacturers seriously weakened their state-of-the-art defense in the eyes of jurors across the nation, and by 1979 the tide in asbestos litigation was turning. Johns-Manville's primary insurer, Travelers, began settling cases out of court "like a broken slot machine," in the words of one plaintiff attorney, rather than risk the possibility of incurring large punitive and compensatory damage awards as a result of going to trial. Aetna did the same for Owens-Corning, especially after the plaintiff attorneys began to get their hands on the Kaylo documents in the spring of 1979. (Kaylo was the trade name of an asbestos-containing insulation material that was manufactured by Owens-Corning starting in 1958, and the Kaylo documents revealed that the company had known about the asbestos-disease hazard for asbestos insulators since the early nineteen-forties.) Aetna also began settling regularly on behalf of the Celotex Corporation, the owner of Philip Carey, after Glasser discovered that Dr. Thomas Mancuso, of the University of Pittsburgh's Graduate School of Public Health, had warned officials of Philip Carey about the health hazards at their asbestos-insulation plants as early as 1963. As for lesser defendants, their hopes of escaping unscathed received a devastating blow in May, when Fred Baron, one of the attorneys for the worker plaintiffs from Pittsburgh Corning's asbestos factory in Tyler, Texas, and Louis Robles, an attorney in Miami, won a jury award from the Keene Corporation of four hundred and fifty thousand dollars for an asbestos insulator named Evelio Lopez. Keene, a relatively small insulation manufacturer, had elected to go to trial in this case after fourteen other defendants, among them Johns-Manville, had settled out of court for a hundred and seventy thousand dollars. In July, Glasser, Locks, and Hatten negotiated a two-hundred-and-twenty-seven-thousand-five-hundred-dollar settlement with Johns-Manville and six other asbestos manufacturers in behalf of a shipyard welder in Virginia, and in a case involving a former shipyard worker in California a three-hundred-thousand-dollar settlement was reached toward the end of the year.



The upward spiral in asbestos verdicts and settlements continued during the early part of 1980, when a federal jury in Beaumont, Texas, took only eight minutes to deliberate before awarding three million dollars in compensatory damages to Alberta Migues, the widow of Russell Migues, an asbestos insulator from nearby Groves, who was represented by Marlin Thompson and Walter Umphrey, an attorney from Port Arthur. (Groves was the town where Clarence Borel had lived, and Migues, like Borel, had died of mesothelioma, after suffering greatly.) The award was far and away the largest ever made to a single plaintiff in an asbestos lawsuit, and was all the more remarkable for the fact that, as in the Lopez case against Keene, it was made against a lesser defendant—in this instance, Nicolet Industries,



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which had refused to settle out of court even though thirteen other defendant manufacturers had done so, for a total of four hundred thousand dollars. Although the amount was subsequently reduced to a million five hundred thousand dollars by Judge Robert M. Parker, who had refused to allow the jury to consider punitive damages, the Migues award sent a shiver down the spines of insurers across the nation.

As things turned out, the decision in the Migues case against Nicolet was later reversed by the Fifth Circuit Court of Appeals, in New Orleans, which found that Judge Parker had been in error when he granted a motion by the plaintiff to prevent Nicolet from litigating the issue of whether asbestos was unreasonably dangerous. (Parker had ruled that the unreasonably dangerous nature of the mineral had been established in Borel and was thus a matter of law.) In finding against Parker, however, the Fifth Circuit justices noted that there were more than three thousand asbestos plaintiffs in the Eastern District of Texas alone, and sympathized with his attempt to deal with the problem. "It is understandable that the district courts will seek ways of eliminating the need to continuously reinvent the asbestos-liability wheel in every one of these cases," they declared. "Considerations of judicial economy demand a more streamlined mechanism for compensating asbestos victims and apportioning liability among those responsible for causing injury." Judge Parker proceeded to take the justices of the Fifth Circuit at their word, and when the Migues case against Nicolet was retried, in July of 1982, it was part of an unusual proceeding in which five separate lawsuits were tried simultaneously on the issue of liability before five six-member juries that were seated in the same courtroom. On this occasion, a jury once again returned a verdict for Alberta Migues, but before the issue of damages could be litigated the case was settled for three hundred thousand dollars.

In May of 1980, two months after the first Migues trial had ended, a jury in Los Angeles Superior Court returned a one-million-two-hundred-thousand-dollar verdict against Johns-Manville and Raybestos-Manhattan in a case that had been brought by a forty-year-old insulator named Richard J. Hogard, who had developed asbestosis after working for ten years at the nearby Long Beach Naval Shipyard. According to reports at the time, the jurors became skeptical of the defendants' claims that they could not have been aware before 1964 of the health risk to asbestos insulators when Hogard's attorney, Robert B. Steinberg, who was not allowed by presiding Judge Earl F. Riley to introduce the Sumner Simpson letters, showed the jurors early reports in the medical literature stating that exposure to asbestos was harmful. Although the amount of the award was later reduced to two hundred and fifty thousand dollars, Hogard v. Johns-Manville was important, because it was expected to set a precedent for more than a thousand similar lawsuits that had been brought in Los Angeles County by former shipyard workers. It was also noteworthy because, like Judge Parker in Migues, Judge Riley refused to allow the jurors to consider assessing punitive damages against Johns-Manville and Raybestos-Manhattan. Basing his decision on California case law, Judge Riley ruled that the Sumner Simpson letters were not admissible, because they had been written long before Hogard went to work as an asbestos insulator. He also decided that punitive damages would be unfair because the defendants had sold asbestos to the shipyard to meet United States Navy shipbuilding specifications.

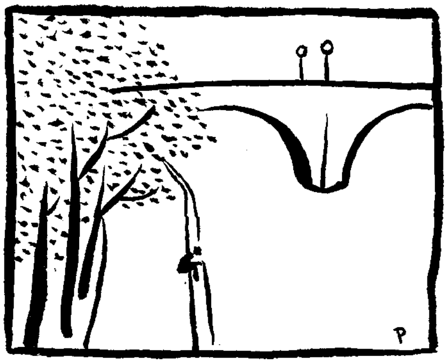
Punitive damages, which are meted out as punishment for outrageous and reckless misconduct, and as a deterrent to future misdeeds, had been sought in virtually every asbestos-product-liability lawsuit that had been brought since 1966, when Ward Stephenson filed a complaint on behalf of Claude Tomplait against Fibreboard Paper Products Corporation, the first asbestos-insulation-product-liability lawsuit. They had never been awarded, however, chiefly because the judges who presided over asbestos trials, like most of their colleagues, were loath to approve of them—a traditional reluctance that was all the stronger because of judicial concern that if punitive damages became commonplace in asbestos cases defendant manufacturers might go bankrupt, and thus deprive future plaintiffs of the chance to obtain compensation. The fact that punitive damages had never been awarded had, of course, not gone unnoticed. Indeed, in testimony given before the Senate Committee on Labor and Human Resources, in August of 1980, John A. McKinney, Johns-Manville's chairman and chief executive officer, underscored his denial that Johns-Manville had knowingly exposed workers to the hazards of asbestos dust by emphasizing that in all the litigation to date there had not been a single instance in which a jury or a trial judge had awarded punitive damages against any asbestos company. "I can think of no greater demonstration that the coverup charge is a complete fabrication," McKinney told the committee.

McKinney's assertion notwithstanding, the prospect of punitive damages was hanging over Johns-Manville's corporate head. Since the amounts in jury verdicts had been rising in direct proportion to the dramatic disclosures of misconduct on the part of Johns-Manville, it was not hard to predict that once jurors and judges became persuaded of the company's essential culpability punitive damages would follow. Moreover, by this time Johns-Manville knew that its primary insurance with Travelers was fast running out and that Home and other excess insurers were not going to take up its indemnification and defense without a protracted court battle. This meant that until the dispute over insurance coverage was resolved Johns-Manville would either have to go to trial in more and more asbestos cases—a course of action that might well provoke the awarding of punitive damages—or have to drastically deplete its cash reserves by settling out of court. Given the circumstances, Johns-Manville had little choice but to run the risk of going to trial. Thus, in the spring of 1980 punitive damages had come to be regarded by many insiders in the company as the wild card in the deck, and McKinney's confident pronouncement before the Senate committee seems to have been a matter of mere wishful thinking. Whatever it was, juries from one end of the nation to the other soon began to play the wild card against Johns-Manville.

AS things turned out, the first punitive damages were meted out not against Johns-Manville but against the North American Asbestos Corporation, of Chicago—a small company that had been set up by Cape Industries, of London, to act as an agent for the selling of South African asbestos in the United States. The case was unusual because the plaintiff, Charlotte Hammond, was the wife of a fifty-four-year-old former worker at an old UNARCO insulation factory in Bloomington, Illinois, who, though suffering from asbestosis—he subsequently died of mesothelioma—had been unable to bring a claim against North American because the two-year Illinois statute of limitations had expired. Since the statute of limitations for loss of consortium in Illinois was then five years, Mrs. Hammond brought suit on that basis. During a ten-day trial, which was held in February of 1981, in McLean County Circuit Court, in Bloomington, Tom Henderson, of Pittsburgh, and James Walker, an attorney from Bloomington, who were representing Mrs. Hammond, introduced evidence to show that a former president of North American, Robert E. Cryor (who had died of mesothelioma in 1970), had learned about the health hazards of asbestos while working for UNARCO back in the nineteen-forties. After deliberating for a day, the jury awarded Mrs. Hammond compensatory damages of a hundred and twenty-five thousand dollars and punitive damages of three hundred and seventy-five thousand dollars.

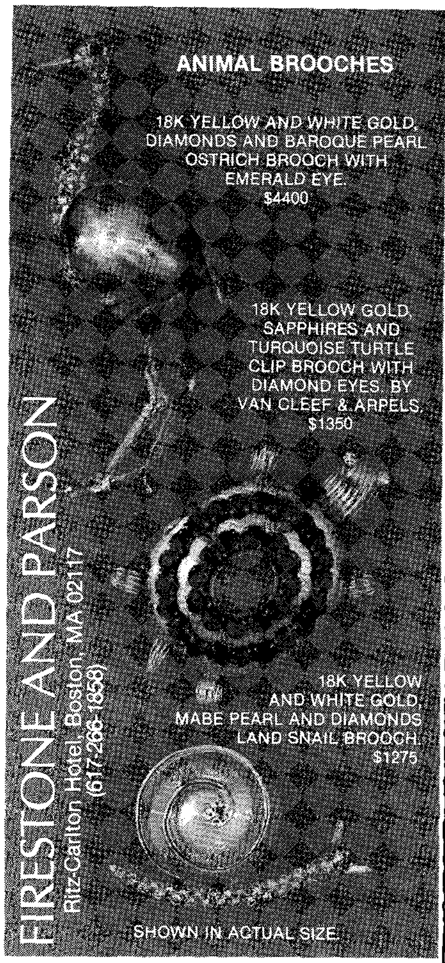
Subsequent events in the legal efforts of the Bloomington factory workers to obtain compensation provide an example of the vagaries that can attend asbestos litigation. To begin with, Mrs. Hammond's punitive-damage award was taken away when an appeals court ruled that, under Illinois law, punitive damages could not be awarded in a derivative lawsuit such as hers. Then, in January of 1982, another McLean County jury awarded thirty-five million dollars in punitive damages and almost twenty-two million dollars in compensatory damages to a group of fifty-four former employees of the Bloomington factory, or their survivors, who had brought lawsuits against Cape Industries and two of its wholly owned subsidiaries, Cape Asbestos Fibers, Ltd., and EGNEP, a South African mining company, on the grounds of strict liability in tort and willful and wanton misconduct. But although Cape Industries and its two subsidiaries had previously contributed five million two hundred thousand dollars toward the settlement in 1978 of a lawsuit brought by some four hundred and fifty workers at the Pittsburgh Corning Corporation's asbestos-insulation plant in Tyler, Texas, they refused to pay the Illinois award, claiming that they were no longer doing business in the United States. Up to the present, Henderson and Walker, who also represent these plaintiffs, have been unsuccessful in having the judgment enforced under international law.

Meanwhile, punitive damages had been assessed during 1981 in a number of other asbestos cases. In a trial that began in February and concluded in May, a federal-court jury in Philadelphia awarded punitive damages totalling nearly four hundred and fifty thousand dollars against Johns-Manville and Celotex after a nearly four-month-long trial involving fourteen former workers at the old Philip Carey insulation plant in Plymouth Meeting, Pennsylvania, or their survivors, who were represented by the Philadelphia firm of Greitzer & Locks. At about the same time, Robert Sweeney won a jury award of five hundred thousand dollars in punitive damages, together with three hundred and fifty thousand dollars in compensatory damages, in a case that had been brought against Johns-Manville by the widow of an asbestos insulator named Edward Moran, who had died of lung cancer. Considerable attention was paid, by the *Wall Street Journal* and other leading newspapers, to the Moran verdict, which was subsequently upheld by the Sixth Circuit Court of Appeals, and thereafter punitive damages came to be awarded with increasing regularity. In early July, Gene Locks won a six-hundred-thousand-dollar jury verdict, including fifty thousand dollars in punitive damages, for a former asbestos-factory worker and his wife in a case that went to trial against Johns-Manville after Owens-Corning and Celotex had settled out of court. And at the end of July, following another trial in which Johns-Manville was the sole defendant, a county circuit-court jury in Jacksonville, Florida, awarded the record-breaking sum of one million eight hundred and fifty-seven thousand six hundred dollars to a former Navy boiler attendant named Edward Janssens and his wife, Patsy. This amount included seven hundred and fifty thousand dollars in punitive damages and four hundred thousand dollars for loss of consortium—the highest awards that had ever been made in either category in an asbestos lawsuit. In September of 1984, a Florida Court of Appeals affirmed the lower-court verdict in Janssens, saying that Johns-Manville's conduct amounted to "wanton disregard for the health and safety of persons using its asbestos products," and in November the appeals court turned down the company's request for rehearing, saying that it had shown "reckless disregard for human life or the safety of persons." In April of this year, the Florida Supreme Court turned down Manville's request for a hearing.



The Janssens case was unusual not only because of the size of the award but because Janssens, who had not developed pulmonary problems until 1973, had been exposed to asbestos from 1943 to 1951, when he applied asbestos insulation to the boilers of ships while serving in the Navy. As for Johns-Manville, it had been named as sole defendant because Janssens could not recall using asbestos products that were made by any other company, and it had gone to trial confident of a victory, because, among other things, it did not believe that it could be held liable for Janssen's asbestosis, and because Janssens had not become seriously disabled. Among the Janssens' attorneys, however, was Ronald Motley, whose argument for punitive damages was powerfully buttressed by the Sumner Simpson letters and the deposition of Dr. Kenneth Smith. It was the first trial win in an asbestos case for Motley, who had recently settled the Bond case in Missouri for a record-breaking one million four hundred thousand dollars, and it gained him national recognition.

The growing trend toward punitive damages continued in the autumn of 1981, when Karl Asch won a three-hundred-thousand-dollar punitive award, together with a hundred and ten thousand dollars in compensatory damages, for an insulator in New Jersey, in a case that went to trial against Bell Asbestos Mines, of Canada, and Johns-Manville. Elsewhere, plaintiff attorneys were using the threat of punitive damages to drive up the price of out-of-court settlements, and by the winter of 1982 asbestos manufacturers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were desperately arguing in various jurisdictions throughout the nation for the elimination of punitive damages. In January, an attorney for Raybestos-Manhattan told a judge in Hawaii, who was about to schedule the first of a hundred and forty-one lawsuits that had been filed on behalf of former workers at the Pearl Harbor Naval Shipyard, or their survivors, that punitive damages could "turn punishment into annihilation." At the same hearing, a Johns-Manville attorney warned that punitive damages constituted "overkill" that would destroy companies and prevent future plaintiffs from getting any kind of compensation. As things turned out, the judge ruled that the issue was for the jury to decide, and some months later, at the conclusion of the first trial, the jury declined to assess punitive damages but awarded compensatory damages of more than half a million dollars to the family of Tristan Nobriga, an electrician at the naval base, who had died of mesothelioma.

Meanwhile, at the end of March, a federal-court jury in Galveston, Texas, had returned another huge verdict against Johns-Manville, awarding a million dollars in punitive damages and a million sixty thousand dollars in compensatory damages to the widow and the estate of a shipyard pipe fitter who had died of mesothelioma. (The Fifth Circuit Court of Appeals later reduced the punitive damages to three hundred thousand dollars and the compensatory damages to two hundred and ninety thousand dollars.) A week later, a federal jury in Knoxville, Tennessee, also found against Johns-Manville, awarding two hundred and twenty thousand dollars in punitive damages and two hundred and eighty thousand dollars in compensatory damages to a retired insulator who had become disabled by asbestosis, as well as a hundred and forty thousand dollars to his wife for loss of consortium. In May, after finding Johns-Manville strictly liable and negligent, a jury in Philadelphia awarded a million dollars in punitive damages, together with a hundred thousand dollars in compensatory damages, to a former shipyard worker and his wife. (The man had developed thickening of the pleura—the membranes that encase the lungs—after working for seven years at the New York Shipyard, in Camden, New Jersey.) And early in June Ronald Motley, Scott Baldwin, and several other attorneys won a million-sixteen-thousand-five-hundred-dollar federal-jury verdict against Johns-Manville and Raybestos-Manhattan for James L. Jackson, a former sheet-metal worker at the Ingalls Shipbuilding Corporation, in Pascagoula, Mississippi, in the first asbestos case to come to trial out of more than five hundred cases that were pending in that state. Jackson, who had developed asbestosis, received three hundred and ninety-one thousand five hundred dollars in compensatory damages from the two companies, together with five hundred thousand dollars in punitive damages from Johns-Manville and a hundred and twenty-five thousand dollars in punitive damages from Raybestos-Manhattan—the first punitive judgment that had ever been made against Raybestos in an asbestos lawsuit. On June 23rd, in a federal-court trial in which Johns-Manville was the sole defendant, Paul Gillenwater and an associate, Douglas Nichol, won a record-breaking jury award of two million three hundred thousand dollars, including one and a half million dollars in punitive damages, for James Ovett Cavett, a retired boilermaker suffering from asbestosis and lung cancer, who had spent forty years working in power plants owned by the Tennessee Valley Authority. In September of 1982, Johns-Manville appealed the decision to the Sixth Circuit, claiming that the award of punitive damages violated its constitutional guarantee of due process, and that it was being "punished over and over for the same course of action."

IN voting to award punitive damages against Johns-Manville and other defendants, juries were, of course, responding to evidence showing that asbestos manufacturers had engaged in a coverup of the asbestos hazard for nearly half a century, but they were also reacting to the skill with which this evidence was presented by plaintiff attorneys and to the manner in which it was received and dealt with by lawyers for the defendants. Their reaction was often anger, for as time went on, and the disclosures of misconduct mounted, plaintiff attorneys were able to use evidence of the coverup not only to attack the state-of-the-art defense but also to arouse feelings of outrage in jurors. Defense lawyers could only try to mitigate this by calling in experts to dispute the medical diagnosis of diseases, or, when appropriate, by pointing out that a plaintiff had contributed to his injury by smoking cigarettes.

The legendary importance of evoking sympathy from jurors had been demonstrated in the Borel trial, when Ward Stephenson succeeded in bringing tears to the eyes of several members of the jury during his closing argument. However, jury anger did not become a major factor in the outcome of an asbestos trial until 1978, in Norfolk, Virginia, when Glasser, Hatten, and Locks won compensatory damages of seven hundred and fifty thousand dollars from Johns-Manville for the family of Ira Dishner, who, like Borel, had died of mesothelioma. At the outset, Dishner v. Johns-Manville posed thorny problems for the three plaintiff lawyers. For one thing, they were up against the redoubtable Lively Wilson, who had won a string of victories with his state-of-the-art defense. Even worse, they had to contend with an archaic Virginia statute of limitations, which required that the only exposures to asbestos they could ask the jury to consider were those which had occurred no more than two years before the filing of the lawsuit. Since Dishner v. Johns-Manville had been filed on March 17, 1977, and Dishner had quit working with asbestos at the end of October, 1975, this meant that Glasser, Hatten, and Locks had to figure out some way of convincing the jury that his mesothelioma—a tumor that generally takes between twenty and forty years to develop—had been caused by his exposure to Johns-Manville products during the period between March 17, 1975, and October 31, 1975, when he was employed at an Amoco refinery near Yorktown.

In an effort to surmount this hurdle, the three attorneys conducted months of exhaustive discovery that enabled them to reconstruct the building of the refinery from its blueprint stage, and to learn precisely what insulation materials had been used there during the twenty years it was in operation. As a result, they were able to find witnesses who testified that Johns-Manville Thermobestos insulation had been used to cover eighty to ninety per cent of the fifty thousand feet of pipe that was estimated to be in the refinery; that Thermobestos had been typically used to replace worn-out insulation; and that during 1975 Johns-Manville Transite pipe had been cut to size on the very table where Dishner and his fellow-workers ate their lunch. At the end of the trial, Glasser, an energetic and articulate thirty-six-year-old lawyer, who had received his law degree from the University of Virginia School of Law in 1965 and, along with two brothers, had become a partner in his father's Norfolk firm, delivered a brilliant closing argument. First, he reminded the members of the jury that Johns-Manville had failed to warn Dishner and his fellow-insulators of the risk of cancer from using Thermobestos and other Johns-Manville asbestos products. Then he reminded them that Johns-Manville had admitted that exposure to asbestos caused mesothelioma, and that Dishner had died of the disease. And then he administered the coup de grâce. "So it helps boil down the issue," he declared. "Did the last exposures hurt him, or has Johns-Manville pulled off the perfect crime?"

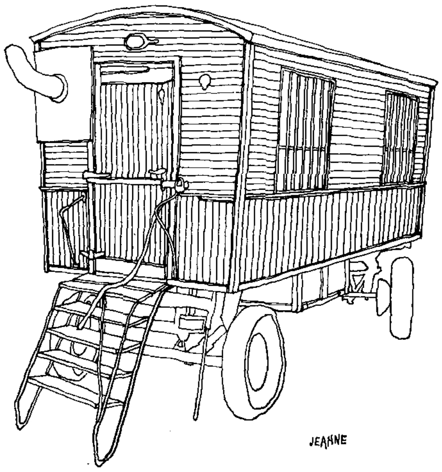
In the face of this kind of challenge, defense counsel had little choice other than to remind the members of the jury that under Virginia law they were not to consider any exposures that Dishner might have incurred before March 17, 1975, and to point out that seven and a half months was nowhere near long enough for the development of mesothelioma. The jurors were so infuriated by the logic of that argument that they returned a verdict of seven hundred and fifty thousand dollars—an amount more than three times as large as any judgment that had ever been made in an asbestos case. Antiquated or not, however, the law is the law, and when Johns-Manville moved to appeal the verdict on the ground that the jury had not followed the Virginia statute of limitations in arriving at its decision, Glasser, Hatten, and Locks were forced to negotiate the award down to two hundred and seventy-five thousand dollars.

By this time, Johns-Manville and other defendants were relying heavily on the testimony of expert medical witnesses about the hazards of cigarette smoking—a habit that appears to have been indulged in by a great majority of asbestos workers—in an effort to challenge the diagnosis of asbestos disease in plaintiffs. Sometimes the testimony of these experts succeeded in influencing juries, and sometimes it did not. In any event, there was no shortage of medical doctors who were willing to put themselves at the service of the asbestos industry. One of them was Hans Weill, professor of medicine at Tulane University School of Medicine, who had testified in behalf of Johns-Manville at the Borel trial. Weill later became the president of the American Thoracic Society and a paid consultant to the Asbestos Information Association (A.I.A.)—an industry-sponsored organization that was formed to promote the safe use of asbestos-containing products and also did its best to soften the indictment of asbestos as a health hazard—and although he testified on occasion for plaintiffs in asbestos cases, he continued to testify for defendant asbestos manufacturers, and he recommended other pulmonary physicians who might do so. Another expert witness was Dr. Paul Kotin, the medical director of Johns-Manville, who testified for the company in a number of the early asbestos trials. Still another was Dr. William Weiss, a professor of medicine at the School of Medicine of Hahnemann University, in Philadelphia, who was also a paid consultant of the A.I.A. and several asbestos manufacturers. Weiss, who testified for Johns-Manville in the Dishner trial and on many other occasions, had written papers in which he claimed that mild fibrosis of the lungs caused by cigarette smoking was virtually indistinguishable from the fibrosis caused by asbestos. One of the most outspoken expert witnesses for the asbestos industry was Professor Harry B. Demopoulos, a pathologist at New York University's School of Medicine, who claimed that asbestos was not a lung-cancer-producing agent and blamed cigarettes for most of the pulmonary ills of asbestos workers. Among the best-known was Dr. Oscar Auerbach, a distinguished pathologist at the New Jersey Medical School, in Newark, who had been instrumental in persuading Congress to mandate a warning label on cigarette packages, and in the nineteen-seventies had testified against Johns-Manville in workmen's-compensation cases brought by employees of the company who were suffering from asbestosis or other asbestos-related diseases. Another well-known expert witness was Dr. Horton Corwin Hinshaw, a retired clinical professor of medicine at the University

of California School of Medicine, in San Francisco. A former president of the American Thoracic Society, Hinshaw had been co-author, in 1956, of a highly regarded textbook entitled "Diseases of the Chest," and he had testified, in 1982, in the trial of Speake v. Johns-Manville that Speake was suffering not from disabling asbestosis but from emphysema and bronchitis associated with cigarette smoking. In addition to proclaiming the ills of cigarette smoking and challenging the diagnosis of asbestos disease in some plaintiffs, most of these witnesses usually supported the state-of-the-art defense by testifying that the medical and scientific community had had no way of knowing until the time of Dr. Selikoff's 1964 study that asbestos disease could strike insulators.

As for the plaintiff attorneys, they also had a roster of expert medical witnesses. Among them were Dr. Bertram Carnow, professor of occupational medicine and director of the Great Lakes Center for Occupational Safety and Health at the University of Illinois Medical Center, in Chicago; Dr. Edwin Holstein, an internist and a member of the staff of Dr. Selikoff's Environmental Sciences Laboratory at the Mount Sinai School of Medicine, who also practices occupational medicine in Edison, New Jersey; Dr. Kaye H. Kilburn, a former member of Dr. Selikoff's group, who is now a professor of internal medicine at the University of Southern California's School of Medicine, in Los Angeles; Dr. Susan Daum, another member of Selikoff's group, who practices occupational medicine in River Edge, New Jersey; and Dr. Gerrit W. H. Schepers, a former director of the Saranac Laboratory, who had diagnosed asbestosis and lung cancer in the tissue specimens of many Johns-Manville employees who had died back in the nineteen-fifties. These physicians gave testimony about the ability of asbestos to cause asbestosis, lung cancer, and mesothelioma, and also about what the members of the medical and scientific community knew, or should have known, about asbestos disease in the nineteen-thirties, forties, and fifties.

Conflicting testimony between expert medical witnesses had, of course, been characteristic of asbestos trials since Borel v. Fibreboard, when Ward Stephenson cross-examined Dr. Hans Weill and countered his statements by reading excerpts from the depositions of physicians who had actually treated Borel. During 1977 and 1978, Lively Wilson had fashioned his state-of-the-art defense around the testimony of Dr. Kotin and Dr. Forde McIver, an eminent professor of pathology at the Medical College of South Carolina, in Charleston, and had used it to defeat plaintiff attorneys in a number of important cases. By 1982, however, the plaintiff lawyers had gathered so much evidence of prior knowledge of the asbestos hazard on the part of both the asbestos industry and the medical and scientific community that expert witnesses found giving state-of-the-art testimony for Johns-Manville a rather uncomfortable ordeal, although they sometimes received as much as eighteen hundred dollars a day for their services. A typical example of just how uncomfortable occurred in Cavett v. Johns-Manville—the case in which the jury awarded a record two million three hundred thousand dollars in damages—when Gillenwater launched into cross-examination of Dr. Hinshaw, who had testified under direct examination that before 1964 members of the medical profession were not convinced that asbestos exposure could be harmful to insulators. Gillenwater forced Hinshaw to admit that he had seen cases of asbestosis in insulation workers before 1964; required Hinshaw to acknowledge that there were dozens of case studies of asbestos disease in insulators and other nonfactory workers that had been published in leading medical journals during the nineteen-thirties and forties; and quoted Hinshaw a passage from his own 1956 book "Diseases of the Chest," which stated that asbestosis included the finding of asbestos bodies (coated asbestos fibres) in the sputum or in lung tissue. Since the chief of pathology services of the East Tennessee Baptist Hospital, in Knoxville, had pointed out asbestos bodies to the jury in several large-scale colored photographs of tissue and sputum samples from Cavett's lungs—including a lung that had been removed because it had become cancerous—Hinshaw's testimony in behalf of Johns-Manville proved to be something less than convincing. Its effectiveness was also diminished by the fact that Gillenwater had been able to introduce into evidence such examples of Johns-Manville's early knowledge of the asbestos hazard as the Sumner Simpson correspondence, the contract-unit disease claims—these had been brought by insulators who had developed asbestosis after working for contract-unit companies that had been set up by Johns-Manville in the nineteen-thirties and forties in order to bid on large insulation jobs in shipyards, power plants, and oil refineries—the deposition of Dr. Kenneth Smith, and the depositions of lawyers for Frederick Le Grand and Fred C. Wenham, the two asbestos insulators who had settled third-party lawsuits with Johns-Manville back in the late nineteen-fifties and early nineteen-sixties. Most of all, however, Dr. Hinshaw's testimony had been diminished by the appearance of Cavett himself. He had once been a strapping man, but he now weighed only a hundred and forty pounds, and had only a few months to live, when he was brought into the courtroom in a wheelchair early in the trial. At that time, he testified that most of the products he had been exposed to during his forty years as a boilermaker had borne the logo of Johns-Manville—an allegation that was corroborated by the testimony of co-workers—and that after being exposed to them he had looked "like somebody dumped a barrel of flour" on him.



TWO months earlier, in April of 1982, Dr. Hinshaw had been the target of a similar cross-examination at the hands of Ronald Motley, in the trial of Carol Louise Tuten v. Johns-Manville—a case brought by the widow of a pipe fitter who had developed asbestosis and died of pneumonia—which was held in the Duval County Courthouse, in Jacksonville, Florida. During a lengthy direct examination conducted by Albert H. Parnell, an Atlanta attorney who had become one of the lead counsels for Johns-Manville in the southeastern part of the country, Hinshaw had laid a foundation for the state-of-the-art defense by declaring that, in his opinion, the medical community was not convinced of the disease hazard for asbestos insulators until after 1964. He went on to say that cigarette smoking could produce scarring of lung tissue that was virtually indistinguishable from the scarring caused by asbestos, and that cigarettes were the leading cause of chronic bronchitis in the world today. Finally, in response to a series of hypothetical questions posed by Parnell, who obviously intended to remind the jury that Tuten had smoked, Hinshaw testified that the immune system of someone suffering from chronic bronchitis could be sufficiently weakened to render that person highly susceptible to pneumonia.

When it came time for Motley to cross-examine, he wasted little time in dealing with the cigarette issue. "I bought one of your books," he told Hinshaw.

"Thank you," Hinshaw said.

"How are you doing today, sir?"

"Fine."

"Doctor, I'll try to be as brief as possible. Let me turn to an area of asbestos disease if I might for a second. Do you agree that the only thing that causes asbestosis is asbestos?"

"Yes," Hinshaw replied.

"We're in agreement," Motley said. "O.K. Cigarettes don't cause asbestosis, do they?"

"Right."

"They do not?"

"It does not," Hinshaw replied.

Later in the cross-examination, Motley asked Hinshaw to read aloud from the section on asbestosis in his 1956 book.

"Exposure occurs in industrial plants where asbestos products are fabricated and among those who install insulating materials," Hinshaw read. "The spinning and weaving of asbestos in combination with other textiles also results in exposure."

"All right, sir," Motley said when Hinshaw had finished. "Now, you cited—you reviewed the medical literature before you wrote that, didn't you."

"Yes," Hinshaw replied.

"And you [read] articles in the literature which you cite in that textbook, which included cases of asbestosis in insulation workers, didn't you?"

"I'm not entirely sure of that," said Hinshaw, who added that the information in the sentences he had quoted might have come from a book written by another medical doctor.

"All right, sir," Motley said. "Well, let me try to refresh your recollection."

"But it's not unlike that," Hinshaw continued quickly. "Insulation workers have been reported to have developed asbestosis prior to this date. I, indeed, may have seen some myself."

"And you knew, yourself, before 1956 that insulators were getting sick with asbestosis," Motley declared. "Isn't that correct?"

"I think I've actually seen one or two," Hinshaw replied. "Yes."

Having obtained this admission, Motley asked Hinshaw if it was true that back in 1961 he had told a lawyer for an asbestos company about the hazards of asbestosis and lung cancer for insulation workers.

"You'll have to show me," Hinshaw replied.

"All right, sir," said Motley, handing Hinshaw a letter. "Let me ask you if this is—if this is your signature, sir?"

"It is, yes," Hinshaw replied.

"All right, sir. Do you remember writing a report to a lawyer representing an asbestos-insulation company in 1961 where you reviewed a case of asbestosis in an insulation worker?"

"This is a letter to an attorney in Oakland, California, concerning a patient whom I had been called upon to evaluate," Hinshaw replied. "And as I recall it, he did have asbestosis, did he not?"

"Yes, sir," Motley said. "And he was an insulation worker."

"And he may have well been an insulation worker," Hinshaw agreed. "I mentioned to you a minute ago, I felt I probably have seen this. This is 1961. I may have seen it specifically sometime earlier than that. It can happen, of course, and I knew it at that time."

After this admission, which came toward the end of the cross-examination, Motley asked Hinshaw some questions that may have given additional pause to the jurors, who later awarded Mrs. Tuten two hundred and twenty-eight thousand six hundred and thirty-three dollars. (Because of contributory negligence on Tuten's part, this was reduced to a hundred and sixty-nine thousand one hundred and eighty-eight dollars, with Johns-Manville paying just over forty-one thousand of it, plus twenty thousand dollars in exchange for Mrs. Tuten's agreement not to go forward on the remainder of the trial for punitive damages.)

"All right, sir," Motley said. "Now, Doctor, let me—and I'll be through in maybe five minutes, I be-

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lieve—let's talk a second about Mr. Tuten."

"Who?" Hinshaw inquired.

"Mr. Tuten," Motley said. "Do you know who that is?"

"No," Hinshaw replied.

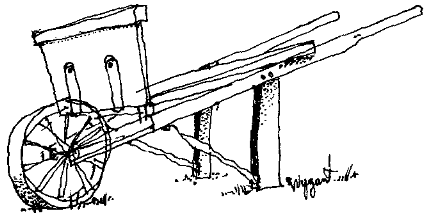
"Mr. Tuten's widow is the plaintiff in this case," Motley told him.

"Oh," Hinshaw said.

IN addition to a talent for cross-examination, Motley has an irreverent sense of humor and an undisguised contempt for Johns-Manville, which, long before it filed for reorganization under Chapter 11, he said he hoped to help bankrupt, and which he has called "the greatest corporate mass murderer in history." Beginning with his victory over Johns-Manville in the Janssens case, in the summer of 1981, Motley prevailed in seven straight lawsuits that went to trial against Manville or other asbestos manufacturers, winning or helping to win jury verdicts of more than five million dollars, of which a million four hundred thousand dollars was punitive damages. Since 1976, when he got into asbestos litigation, he has either taken on or become associated in, on a referral basis, more than three thousand asbestos lawsuits, in jurisdictions ranging from Hawaii to Florida and from Maine to Missouri. He has participated in negotiations leading to settlements of about seventy-five million dollars in some six hundred and fifty of them; has brought in at least ten million dollars in fees to Blatt & Fales, the law firm he works for, in Barnwell, South Carolina; has earned some two million dollars for himself; and has spent much of his life in the cabins of airplanes. During this eight-and-a-half-year period, he has acquired the respect of most of his colleagues in the plaintiff bar, the envy of some, and the disapproval of a few, who regard his courtroom style as too abrasive and his client-seeking tactics as too aggressive, and who worry that he may bring the much feared epithet of "ambulance chasers" down upon their heads. Needless to say, he is looked upon by asbestos manufacturers and their insurance carriers with a mixture of awe, hatred, and dread.

Some measure of the asbestos industry's trepidation concerning Motley was revealed in the summer of 1980, when Raybestos-Manhattan filed motions in Mississippi and Hawaii seeking to have him barred from participation in more than four hundred pending cases, because of his appearance on a CBS telecast entitled "See You in Court," in which he displayed two letters from the Sumner Simpson correspondence as proof that Raybestos-Manhattan and Johns-Manville had engaged in a coverup of the asbestos hazard more than forty years before, and claimed that "now we're seeing thousands and thousands of people dying as a result." The judges in both states refused to grant Raybestos's motion, however, and Motley later, in the first cases that went to trial in each of those jurisdictions, helped win jury verdicts totalling more than a million and a half dollars, including the first punitive damages ever awarded against Raybestos.

As it happened, Motley had earned the enmity of Raybestos-Manhattan even before the CBS telecast, since he and the company had been engaged for many months in a battle over the admissibility of the Sumner Simpson letters, which Raybestos was trying to have excluded in several jurisdictions on the ground that they might have been forged and that they were irrelevant. Other asbestos companies argued that they should be excluded because they were highly prejudicial to defendants other than Raybestos and Johns-Manville. Motley had proved that the first possibility was preposterous by getting William Simpson, the chairman of Raybestos-Manhattan (and the son of Sumner Simpson), to admit that his office, where the documents were stored from 1969 to 1974, was locked when he was not in it; that it had never been broken into; and that he had no reason to believe that anyone had altered the documents between 1974, when they were turned over to John H. Marsh, Raybestos's director of environmental affairs, and 1977, when they were given into the custody of Raybestos's attorneys. As for the relevance of the letters, Motley claimed that they were of the highest probative value, because they showed not only that Simpson had known back in the nineteen-thirties that asbestos could kill but also that he had tried to suppress this information. As to whether the prejudicial effect of the letters outweighed their relevance, Motley made an analogy with the Watergate tapes, which he would use again and again in courtroom summations. "The prejudicial effect is that I have the opportunity to prove through the lips of the president of their company that he knew and covered it up," he told a judge who was holding a hearing on their admission. "Darn well right it's prejudicial. So were the Watergate tapes. Nixon would have delighted in not having to have those things presented."



In addition to fighting for the admission of the Sumner Simpson documents—a struggle in which he was successful in most jurisdictions—Motley soon began to inflict heavy damage upon Raybestos-Manhattan with several new pieces of evidence. Particularly embarrassing were revelations contained in the minutes of a 1971 Asbestos Textile Institute meeting at which Dr. Joseph Goodman, a physician at Raybestos-Manhattan's North Charleston plant, characterized Dr. Selikoff as a dangerous man and discussed various ways of bringing him under control. Also embarrassing was a 1977 speech in which the company's medical director, Dr. Hilton C. Lewinsohn revealed that fully fifty to sixty per cent of the workers who had developed asbestosis would also develop lung cancer. Even more lacerating, especially to the company's contention that it had a fine employee-health record, was a memorandum that had been handwritten in 1974 by John Marsh, who described Raybestos-Manhattan's health record as "indefensible." In closing arguments, Motley, after complimenting his opponents on their appearance, their articulateness, and their legal ability, would read Marsh's memo to the jury and then observe that it was no wonder Raybestos had run out and hired such fine attorneys.

THE Sumner Simpson letters had marked a pivotal point in Motley's career, for upon coming into possession of them, in the early summer of 1978, he had used them, together with the contract-unit disease claims he had helped to uncover, to win a highly unusual order for a retrial of the Barnett case—the case of an asbestos insulator who had died of mesothelioma—on the ground that Raybestos-Manhattan and Johns-Manville had not disclosed information that was vital to the plaintiff's cause. These documents convinced Motley, who was smarting from two trial losses in a row to Lively Wilson, that there must be a wealth of additional incriminating evidence about the asbestos coverup hidden away in moldering files and in the memories of witnesses who had yet to be deposed. Consequently, he spent much of the next two years seeking out witnesses who had firsthand knowledge of the asbestos coverup. One of them was Dr. Nicholas Demy, a former radiologist at the Somerset Hospital, in Somerville, New Jersey, who had diagnosed dozens of cases of asbestosis and lung cancer among Johns-Manville employees back in the nineteen-fifties but had been denied access to their occupational histories by company officials. Another was Dr. Schepers, the former director of the Saranac Laboratory, who led Motley and his colleagues to the incriminating Kaylo file, which, insofar as it related to the culpability of Owens-Corning and Owens-Illinois, Motley liked to describe as "the smoking pistol, the spent cartridge, and the body all rolled into one."

During this period, Motley became so enthralled by the details of the coverup and by his growing medical expertise that he began to lose sight of the fact that what he had learned he was eventually going to have to use to make a convincing case before juries made up of ordinary men and women, who did not have his encyclopedic knowledge of asbestos disease. As a result, his presentation of the medical evidence was sometimes so laced with complex technical jargon and references to obscure sources that jurors simply could not take it in. Informed of this by Terry Richardson, his colleague at Blatt & Fales, and by other colleagues who came to audit his trials, Motley worked hard to focus his arguments and simplify his presentations. He also began to relax and to allow the sardonic, quick-tongued side of his personality to emerge. In the end, he came to realize that the way to convince juries of the rightness of his cause was not to bombard them with facts about the coverup or to overwhelm them with complex medical terms but to concentrate on ridiculing the contention of his opponents that no coverup existed, and to mock their efforts to place the blame for what had happened to asbestos workers on everything except asbestos.

Nowhere were these new tactics more effective than in dealing with the cigarette issue, which Motley considers far and away the most difficult defense to overcome. "Cigarette smoking is not only injurious to health by

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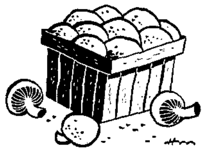
itself but, in combination with asbestos exposure, it is an almost surefire way to develop lung cancer," he says. "I always tell my clients to stop smoking, and if they're foolish enough to want to continue I remind them about the jurors down South who returned a verdict in favor of the defendants when they caught sight of an asbestos plaintiff sneaking a puff outside the courtroom after he claimed he'd stopped smoking. My strategy for dealing with the cigarette-smoking issue is to get to it early and keep it out in front. For example, before beginning my opening statement I place a carton of cigarettes in an empty chair and proceed to inform the jury that I am going to tell them a story about a culprit called asbestos but that my opponent is going to try his case against cigarettes. Later, during cross-examination, I get the defendants' expert medical witnesses to admit that the only thing that can cause asbestosis is asbestos. I also talk a lot about a guard dog at an asbestos-textile factory in Great Britain that died of asbestosis. You heard about the case? It was written up by Dr. Philip Ellman, a prominent chest physician, who was in charge of the Tuberculosis and Chest Clinic in London. In an article that appeared in the July, 1933, issue of *The Journal of Industrial Hygiene*, Ellman described six cases of asbestosis. Five of the cases involved workers in asbestos factories who had developed the disease, and two of these patients had died of it. The sixth was that of the dog—a male rat terrier who had spent most of his life in the factory, and finally got so out of breath and emaciated that he had to be put out of his misery. When they autopsied the poor thing, they found his lungs to be riddled with scar tissue caused by his inhalation of asbestos fibres. That was way back in 1933. But I get a lot of mileage out of it with juries, for the simple reason that the dog didn't smoke—now, did he?"



In addition to the rat terrier, Motley, like all asbestos litigators, has favorite pieces of evidence that he introduces at key moments in trials to persuade jurors to return a verdict for his clients. One that he employed constantly against Johns-Manville was the letter that George S. Hobart, a Newark attorney who represented the company in asbestosis lawsuits brought during 1929 and 1930, wrote to Vandiver Brown in 1934, suggesting that Brown urge Dr. Anthony Lanza, the assistant medical director of the Metropolitan Life Insurance Company, to soften his description of asbestosis as a disease similar to silicosis in the report that he submitted to the United States Public Health Service. In his letter, Hobart indicated that his reason for wanting the change was that he had been defending asbestosis lawsuits by claiming that "scientific and medical knowledge has been insufficient until a very recent period to place on the owners of plants or factories the burden or duty of taking special precautions against the possible onset of the disease." Motley's reason for using Hobart's letter nearly half a century later was, of course, to pound yet another nail into the coffin of the state-of-the-art defense. The way he went about this in some of his closing arguments was wickedly effective. First, he would thank the members of the jury for being so attentive to him during the trial, and to his opponent as well—especially during his opponent's articulate presentation of the state-of-the-art defense. Then, shaking his head in wonderment, he would inform them that his opponent was not the first Johns-Manville lawyer to propose such an argument and, after a pause, he would read the letter that Hobart had written more than forty years before.

Another piece of evidence that Motley used again and again against Johns-Manville was the case of Frederick Le Grand, the asbestos insulator who, in 1957, had brought an unprecedented third-party lawsuit against the company. With the possible exception of the 1947 Hemeon report—an unpublished report of a 1947 survey conducted by the Industrial Hygiene Foundation, of Pittsburgh, which informed Johns-Manville that about twenty per cent of the workers in one of its asbestos-textile factories had developed asbestosis—Motley considers Le Grand v. Johns-Manville the most devastating weapon against the company in product-user cases in the entire arsenal of evidence that has been assembled by the asbestos litigators. "Le Grand not only destroys Johns-Manville's state-of-the-art defense but pierces the heart of its assumption-of-risk defense," he says. "It also shows that the company engaged in a deliberate and repeated pattern of lying. Le Grand sued Johns-Manville back in 1957 because he had developed asbestosis from using its insulation prod-

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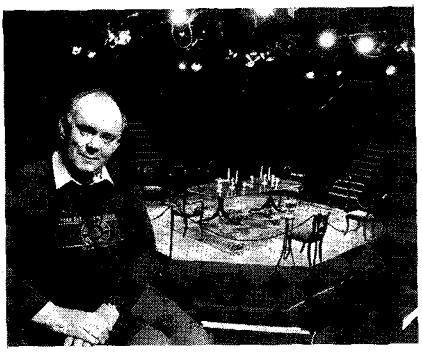
ucts, which were obviously harmful to him. 'Why didn't you warn me?' he asked. Johns-Manville replied, in effect, 'We had no reason to warn you, because you are the very first insulator we know of who got sick.' That, as it turned out, was an outright lie. In 1956, Johns-Manville had been notified by Dr. Daniel Braun, medical director of the Industrial Hygiene Foundation, that reports had appeared in the medical literature that insulators were at risk of developing asbestosis and bronchial cancer. Later, Le Grand's lawyer sent interrogatories asking Johns-Manville when it had first become aware that asbestosis was developing in factory workers. 'In 1946,' Johns-Manville replied. Another deliberate falsehood, as the minutes of the 1933 board of directors' meeting clearly show. Then, for the next twenty years—in fact, right up until the time Paul Gillenwater realized how important it was—Johns-Manville pretended that the Le Grand case had never happened. In interrogatory after interrogatory, the company said that the first time it had ever been sued by an asbestos insulator was in the Tomplait case, which was filed by Ward Stephenson in 1966. Lies upon lies. Do you know what I used to do with Le Grand? I used to do a regular rain dance with it. I used to ask every single witness Johns-Manville called to the witness stand about it. Why, I never let it out of the jury's mind!"

In the end, Motley has won most of his cases against Johns-Manville—just as Ward Stephenson won Borel—through diligent investigation. A typical example is the case of Dr. Harvey J. Hewett, Jr., a professor of marketing at East Carolina University, in Greenville, North Carolina, who died of mesothelioma in 1979, at the age of thirty-nine. Hewett's father, an asbestos insulator in Texas, had brought asbestos dust home on his work clothes, and the younger Hewett, who later served in the Navy, had remembered seeing on board his ship products made by Johns-Manville and Owens-Corning. In gathering evidence for the case, which was brought against nineteen asbestos manufacturers and distributors by Dr. Hewett's widow, children, and parents in June of 1979, an investigator from Motley's firm spent a week in Texas interviewing former co-workers of Hewett's father to find out what products they had used on specific jobs. Tom Taft, who was Hewett's local counsel in Greenville, tracked down and interviewed a number of Hewett's shipmates. In the end, they had a detailed profile of his exposure to asbestos, which enabled Motley and Taft to settle the lawsuit in the summer of 1982 for seven hundred and seventy-seven thousand five hundred dollars.

In a case that was settled in May of 1981, in which Motley was associated with Richard A. Cappalli, an attorney from Cranston, Rhode Island, the client was a fifty-year-old Rhode Island man named Joseph A. Ruggieri, who had been diagnosed as having developed mesothelioma. Ruggieri's chief exposure to asbestos had occurred during a two-and-a-half-month period between November of 1949 and January of 1950, when he was serving in the Navy and was put to work repairing asbestos-covered bulkheads aboard the U.S.S. Sabine, a converted oil tanker, which was then being refurbished at the Brooklyn Navy Yard, in New York. Once again, it was necessary to determine whose asbestos products the plaintiff had been exposed to, so Motley and Terry Richardson found and interviewed some shipmates whom Ruggieri remembered, and placed ads in the *Navy Times* asking other former crew members of the Sabine to get in touch with the firm. An investigator for Motley's firm also visited the Naval Historical Center, in Washington, D.C., where he learned that the Sabine had been built at the Sparrows Point Shipyard, near Baltimore, for the Standard Oil Company, and that when it was launched, in April of 1940, it had been called the Esso Albany. With the help of plaintiff attorneys in Baltimore, Motley learned from insulators who had worked at Sparrows Point in the nineteen-forties what products containing asbestos they had used. Finally, he and Cappalli filed suit against Johns-Manville and seven other manufacturers, and in December of 1980 they settled the case out of court for three hundred and twenty-five thousand dollars.

It was seven months later that Motley won the largest verdict of his career, for Edward Janssens, the former Navy man whose only exposure to asbestos had occurred on shipboard between 1943 and 1951. (Unlike the unfortunate Ruggieri, who died a



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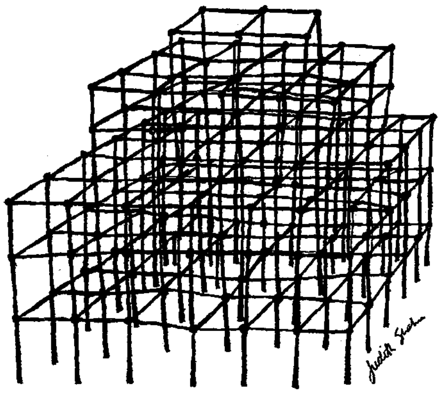
month before his case was settled, Janssens had moderate asbestosis and no marked disability.) By this time—the summer of 1981—Motley had honed his courtroom strategy to a fine edge. He began his opening statement by telling the jury that Janssens had joined the Navy in 1942, at the age of eighteen. He said that, like all sailors and soldiers, Janssens realized that he might be killed or wounded, but he had been fortunate, and had survived the war. "But there was also a silent killer stalking the ships that he served on," Motley continued. "It's a killer who had no motive, an invisible killer, a killer without smell, without taste. A killer that wounded cells, human cells, very slowly. Unlike a bullet, which is a searing and sudden pain, this killer injures very slowly, and the person who's being injured doesn't even know that this killer is wounding him. It takes twenty or thirty years before this killer finally shows his head."

Motley went on to tell the jury that in 1924, the year Janssens was born, Dr. W. E. Cooke, an English physician, had diagnosed a case of asbestosis in a factory worker and three years later, in a follow-up paper, had given the disease its name. He said that in 1942, the year Janssens joined the Navy, Dr. Alfred Angrist, who later became professor and chairman of the department of pathology at the Albert Einstein College of Medicine, in the Bronx, and who would come to testify before them, had found asbestosis and lung cancer in shipyard workers in New York. After warning the jurors that the scientific and medical evidence in the case would be difficult to understand, he predicted that no witness would come before them to dispute the fact that asbestosis was caused only by asbestos. "There is nothing else that causes it," he declared. "Cigarettes don't cause it. Silica doesn't cause it. Flour doesn't cause it. Open air doesn't cause it. It's only caused by asbestos. Look at the name. Asbestosis."

Motley informed the jurors that all medical doctors agreed that asbestosis was incurable—nothing could be done to reverse Janssens' condition. He also told them that his client had quit smoking cigarettes a long time ago. He then brought up the state-of-the-art defense that Johns-Manville would try to erect. "It's our position, ladies and gentlemen of the jury, that asbestos dust and fibres injure anybody who breathes it," he said. "There is no such thing as an asbestos worker. There are such things as asbestos breathers. And our proof will show that by the time that Edward Janssens began work with Johns-Manville products in 1943, that asbestos had already killed office managers, boiler riveters, shipyard workers, insulators, and guard dogs." As for Johns-Manville's attempt to blame the government for Janssens' health problems—on the ground that the Navy had specified that asbestos insulation be used in its ships—Motley argued that the government also specified the use of rat poison but did not tell the manufacturers of rat poison not to put warning labels on it. Finally, in announcing that Janssens was seeking punitive damages because of Johns-Manville's reckless disregard for his safety, Motley said, "We will hope to prove to you, ladies and gentlemen of the jury, that Johns-Manville engaged in a coverup greater than anything Richard Nixon or anybody associated with Watergate ever could have dreamed of."

In his closing statement, Motley told the jurors that with respect to the possible development of cancer "Edward Janssens is a walking time bomb whose fuse has been lit." As evidence of Johns-Manville's reckless disregard for Janssens' safety, Motley cited Hobart's 1934 letter to Vandiver Brown asking for changes helpful to industry in the report of Metropolitan Life's health survey of asbestos workers; Brown's 1935 letter to Simpson declaring that asbestosis should receive a minimum of publicity; Dr. Kenneth Smith's 1949 report about why diseased workers were not informed of their condition; and Wilbur Ruff's deposition about Johns-Manville's hush-hush policy of not informing sick workers that they were suffering from asbestos disease. (Ruff was a former manager of Johns-Manville's plant in Pittsburg, California, who made this disclosure in the early part of 1978.) In conclusion, he again recited some key dates in Janssens' life, juxtaposing them with key dates in the discovery and coverup of asbestos disease, and told the jurors that it was now 1981 and that "you and only you must decide the fate of Edward Janssens and Johns-Manville."



ALMOST a year later, Motley came up against his old nemesis Lively Wilson, in James L. Jackson v. Johns-Manville, the trial involving the sheet-metal worker who had developed asbestosis while working at the Ingalls Shipbuilding Corporation and was suing Johns-Manville and Raybestos-Manhattan. By this time, Motley's closing arguments were even more powerful and biting than they had been in the Janssens case. "Now, we believe, ladies and gentlemen, that there is no dispute in this case about certain things," he said. "Number One, each of these companies is in the asbestos business. They don't dispute that. Number Two, each of these companies sold asbestos to the Ingalls shipyard. They don't deny that. Number Three, the only thing on earth known to cause asbestosis is asbestos. They don't dispute that. Asbestosis is incurable. Nobody disputed that. Asbestosis is irreversible. No one disputed that. Asbestosis is a serious disease. No one disputed that. And all but one doctor said, 'This man has asbestosis.' This one doctor, Dr. Auerbach, said, 'I am the final word.' But he is not. You, ladies and gentlemen of the jury, are the final word."

After pointing out that Auerbach was the only physician—out of nine doctors who had testified in the case for both sides—to say that Jackson was suffering not from asbestosis but from silicosis, Motley reviewed the evidence that had been presented to show that Johns-Manville and Raybestos-Manhattan had engaged in a coverup of the asbestos hazard. He then addressed himself to the over-all legal strategy of the two defendant manufacturers. "Now, ladies and gentlemen of the jury, I need to spend a moment on the defenses raised by these asbestos companies," he said. "I call it the four-dog defense, and let me tell you why. There was a case one time that I was told about that happened in Alabama. This little four-year-old girl was out in the street in front of her house and a neighbor's Doberman pinscher jumped over the fence and bit her. It caused her some serious injuries, and the father had to go to court because his little girl was hurt. They got up in the closing argument and the lawyer who represented the dog owner said, 'Here are our defenses. Our first defense is, my client doesn't own a dog.' In this case, the asbestos companies are saying, 'James Jackson wasn't exposed to our product.' The second defense of the dog owner was 'Well, we own a dog, but another dog bit her.' Asbestos companies want to shift responsibility to anyone you can—Ingalls, the Navy, the union, other defendants, smoking, silicosis. The third defense of the dog owner was 'I own a dog, the dog bit the child, but the child knew the dog was dangerous, so the child shouldn't have been in the street.' In this case, they are going to stand up here and have the gall to tell you, 'We didn't know asbestos would kill you, but James Jackson should have known.' Contributory negligence. They say it was James' fault. He shouldn't have been in the street. The fourth defense is 'While we own a dog, and we admit our dog bit the child, the child is not hurt because of the bite. The gangrene that is in her leg came from something other than the dog bite.' "

Having ridiculed the defenses of his opponents, Motley got down to the subject of the compensatory damages that should be awarded to Jackson for his medical bills, his loss of wages, his pain and mental suffering, and his diminished life expectancy. "James Jackson will never be better off than you see him here," he declared. "His future is all downhill. As one doctor told you, he is close to being a pulmonary cripple. He has an incurable disease. He has indestructible fibres in his lungs. He has the agony of wondering as he sits here today, and for the rest of his life, which one of these asbestos fibres will explode and cause him cancer. And you will have in the jury room the statement of the medical director of Raybestos-Manhattan, where he said fifty or sixty per cent of the people in Mr. Jackson's shoes die of lung cancer." Motley went on to justify punitive damages for reckless disregard, on the ground of Johns-Manville's hush-hush policy regarding its sick workers and because Raybestos-Manhattan's health record in its textile plants had been, in the words of one of its own officials, "indefensible." In conclusion, he reminded the jurors that Johns-Manville had assets of more than two billion dollars, and told them that nearly forty years earlier the company had taken out a loan on the health and safety of its workers, and the time had come to repay it.

Incisive as Motley's performance proved to be, it was subsequently equalled by that of one of his co-counsels, Scott Baldwin—the litigator from Marshall, Texas, who had played a leading role in settling the Tyler-factory case. Indeed, Baldwin's closing argument in Jackson v. Johns-Manville is considered by many plaintiff attorneys to have been one of the most dramatic summations ever given in an asbestos trial. After pointing out that there was overwhelming evidence to show that insulation products made by Johns-Manville and Raybestos-Manhattan had been widely used in the Ingalls shipyard, Baldwin reminded the jury that neither company had placed warning labels on any of those products. At that point, he set a large crayon-drawn chart on a viewing board and told the jury that it listed sixteen acts of gross indifference on the part of Johns-Manville—five of which had been joined in by Raybestos-Manhattan. He then ran through some of the highlights of these acts, and, in doing so, delivered a comprehensive summation of wrongdoing by the two companies.

"You know that by 1933 they began to have lawsuits," Baldwin said, referring to the first asbestosis lawsuits against Johns-Manville, which had actually been brought in 1929 and 1930. "They settled eleven in the year 1933, but, more important, when they settled those eleven lawsuits in 1933, they bought the lawyer. They made him agree not to bring any more lawsuits against Johns-Manville. To me that was a signal of things to come. It is like finding a dog's tooth in a bowl of chili. It suggests something to you."

Baldwin went on to remind the jury that in 1934 Vandiver Brown, the corporate attorney for Johns-Manville, persuaded Dr. Lanza, of Metropolitan Life, to delete some unfavorable references to the disease-producing potential of asbestos in a study that was published by the United States Public Health Service; that in 1935 Brown and Sumner Simpson, the president of Raybestos-Manhattan, exchanged letters in which they agreed that it would be beneficial if no articles about asbestosis appeared in the asbestos industry's trade journal; that in 1947

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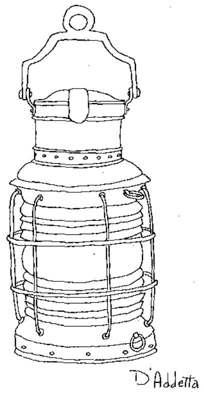
the Industrial Hygiene Foundation, an organization financed in part by the two companies, failed to publish a study showing that about twenty per cent of the workers in two of their asbestos-textile factories had developed asbestosis; that in 1949 the medical director of Johns-Manville's Canadian subsidiary advocated a policy of not informing workers of X-ray changes showing that they were developing this incurable lung disease; and that during the nineteen-fifties Johns-Manville made efforts to suppress public knowledge of the link between asbestos exposure and the development of cancer.

Following his dissection of the asbestos coverup, Baldwin justified the three million dollars in damages that he and his colleagues were seeking for Jackson. "Now, let's see why these sums are reasonable," he told the jury. "You know, a famous jurist many years ago said—I think it was Learned Hand—'A corporation has no mind; it has no conscience; it has no heart; and it has no soul.' You can't strike its heart. It has none. The only way you can get the attention of a corporation and talk to it is through its pocketbook. I believe the English— This [concept of] punitive damages is not any new concept of law; it is as old as the law itself. The English refer to it as the 'sting of the shilling.' Ladies and gentlemen, let me tell you something. You have got an opportunity. You can do something that I haven't been able to do in the last five years of this litigation. You can talk to the president of Johns-Manville. He is not too busy to talk to you, and you can send him a message. But when you do, it is going to have to be loud enough for him to hear it. And you can say to him that, at least in southern Mississippi, 'We are not going to condone this kind of action. And when you act like the record in this case has shown you acted, and inflict upon a man an incurable disease, you are going to have to respond and face the music.' And you can set the standards of your community, and you can set the standards [for] the conduct of the companies that come into this community, by sending a message to the presidents of Johns-Manville and Raybestos-Manhattan that [they] will have to explain to [their boards] of directors and their shareholders. You can say to [them] that you are going to act—and this is all we ask—in accordance with those great principles upon which this country was founded: justice, decency, and fair play."



Of the three million dollars in total damages that were being sought for Jackson, Baldwin asked the jury to award two million dollars against Johns-Manville and one million against Raybestos-Manhattan. In the case of Johns-Manville, whose net earnings in 1980 were eighty million dollars, or about two hundred thousand dollars a day, this was the equivalent of some ten days' earnings. After deliberating for several hours and finding both companies strictly liable and guilty of negligence, the jury awarded total damages of a million sixteen thousand and five hundred dollars, which included half a million dollars in punitive damages against Johns-Manville and a hundred and twenty-five thousand dollars in punitive damages against Raybestos-Manhattan—the first punitive damages ever awarded against Raybestos. This was a good-sized bite, to be sure, but far bigger bites had been taken out of Johns-Manville in verdicts that had already been returned in the spring of 1982, and the biggest bite of all—punitive and compensatory damages of two million three hundred thousand dollars—was about to be inflicted upon the company by the jury in the Cavett case, in Knoxville, which went to trial two weeks later.

As things turned out, in March of 1984 a three-judge panel led by Chief Judge Charles Clark, of the Fifth Circuit Court of Appeals, threw out the punitive damages in the Jackson case, ruling that punitive awards should not be allowed against asbestos manufacturers, because the companies were already struggling to pay compensatory damages. In returning Jackson v. Johns-Manville to the district court for a new trial, the Fifth Circuit panel also said that testimony about the possibility of cancer because of Jackson's asbestosis should not have been allowed in a case where there was no physical evidence of cancer, and that the Sumner Simpson papers should not have been admitted in evidence because they were too remote in time to be properly considered. In July of 1984, however, the Fifth Circuit decided that instead of returning the case to the district court it would rehear Jackson v. Johns-Manville en banc (before the entire panel of judges), and on January 21, 1985, by a vote of nine to five, it overturned the ruling of the three-judge panel by upholding the lower court's decision to allow the admission of the Sumner Simpson letters, and by holding that the admissibility of testimony concerning Jackson's increased risk and fear of cancer should be decided by the Mississippi Supreme Court, which should also determine whether punitive damages should be permitted under Mississippi law. In a bitter dissent led by Chief Judge Clark, the five-judge minority issued an unprecedented call for the Supreme Court of the United States to abolish punitive damages in asbestos cases, as well as awards based on the probability or fear of diseases such as cancer. This action encouraged Manville and Raybestos-Manhattan to hope that the Supreme Court would grant their petition for certiorari.

Whatever the ruling may be in the Jackson case, back in the summer of 1982 asbestos litigators throughout the nation were riding the crest of a wave, for some sixteen thousand lawsuits against Johns-Manville and other asbestos manufacturers remained to be settled or tried, and the tide was running strongly in favor of the litigators. The plaintiff attorneys had few, if any, qualms about anticipating good fortune, for, like Ward Stephenson, who had toiled on the Tomplait case for more than seven years before receiving any significant recompense, Thompson, Gillenwater, Motley, Henderson, Baron, Baldwin, Glasser, Asch, Sweeney, Locks, Levy, and Kilbourne, to name a few, had put in years of effort and, during the early phase of the litigation, had often worked for months on end without remuneration. Indeed, many of them had gone into debt in order to keep their asbestos cases going. Since those early days, of course, virtually all of them had become rich. Now, confident of continuing high verdicts and big contingency fees, they closed in on Johns-Manville for the kill.

—Paul Brodeur

(This is the third part of a four-part article.)

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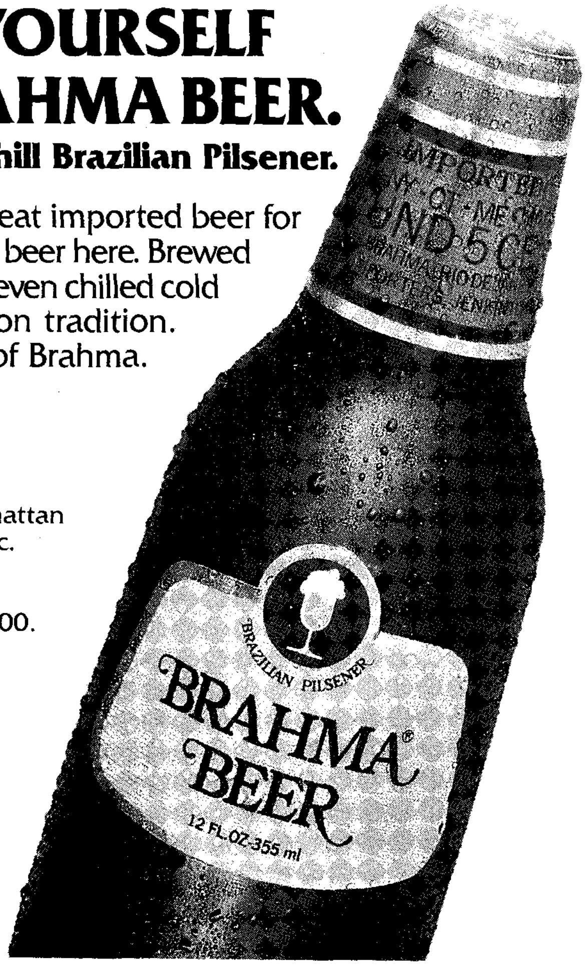

THE THEATRE

Self-Sabotage

NEIL SIMON calls "The Odd Couple" at the Broadhurst a "new version" of his celebrated comedy of the same name, which was a hit on Broadway back in 1965 and has been playing all over the world ever since. The humor—and occasional pathos—of that first "Odd Couple" was based in large part on the notorious incompetence of most men as nest builders and housekeepers. A divorced sportswriter took pity on a TV news reporter recently separated from his wife and invited him to share the sportswriter's sizable, if ramshackle, apartment on Riverside Drive. What made us laugh in what I suppose we must describe as the "old version" of the play was the confrontation between an unusually sloppy man (the sportswriter, played by Walter Matthau) and an unusually neat one (the TV reporter, played by Art Carney); the plot, in the classic pattern of Molière's plots, balanced opposites in the most extreme form possible, and, in doing so, provided instruction as well as entertainment to those of us who spend our lives in the conventional middle portion of the social spectrum.

Now, what on earth can have prompted Mr. Simon to suppose that a comedy devoted to the vexations of a couple of male bachelors could be transformed with little effort into a comedy about the vexations of a couple of female bachelors? In attempting such a feat, does he assume that men and women are identical in the way that they respond to the innumerable necessary collisions of domesticity? Does he not perceive that his glib switching of sexes has left us with a play that betrays itself by the falsity of its premises and does injury to our memory of the brilliant original? To make matters worse, Simon has been far from ingenious in substituting female activities for male ones; the first "Odd Couple" began with half a dozen men playing poker, and the second "Odd Couple" begins with half a dozen women playing Trivial Pursuit. The connection between men and poker-playing is a cultural symbol capable of being successfully dramatized, but the connection between women and Trivial Pursuit is not, and is therefore incapable of being put to use except as the occasion for a number of obvious jokes. As for sloppiness and neatness, they are attributes common to both sexes but do not bear the same weight of meaning.

By a conspicuous stroke of ill judgment, the two main characters in the present production have been miscast. Rita Moreno, looking as well groomed and nattily turned out as if she were fresh from Elizabeth Arden, plays the role of the slob; Sally Struthers, plump and with her blond hair flying in all directions, plays the compulsive table duster and soiled-glass retriever. Also in the cast, calculatedly dowdy in dress and coarse of voice (a coarseness heightened by exceptionally clumsy miking), are four hardworking actresses—Jenny O'Hara, Mary Louise Wilson, Kathleen Doyle, and Marilyn Cooper. They are eventually joined by two hardworking actors, Lewis J. Stadlen and Tony Shalhoub, who as courtly Spanish neighbors eager for a spot of romance find great difficulty in speaking correct English—they confuse "nougat" with "no good." At the performance I attended, their difficulty induced roars of vacant-minded laughter from an audience that plainly felt no need for wit. The nice old Riverside Drive apartment was designed by David Mitchell, the costumes are by Ann Roth, the lighting is by Tharon Musser, and the direction is by Gene Saks.

—BRENDAN GILL

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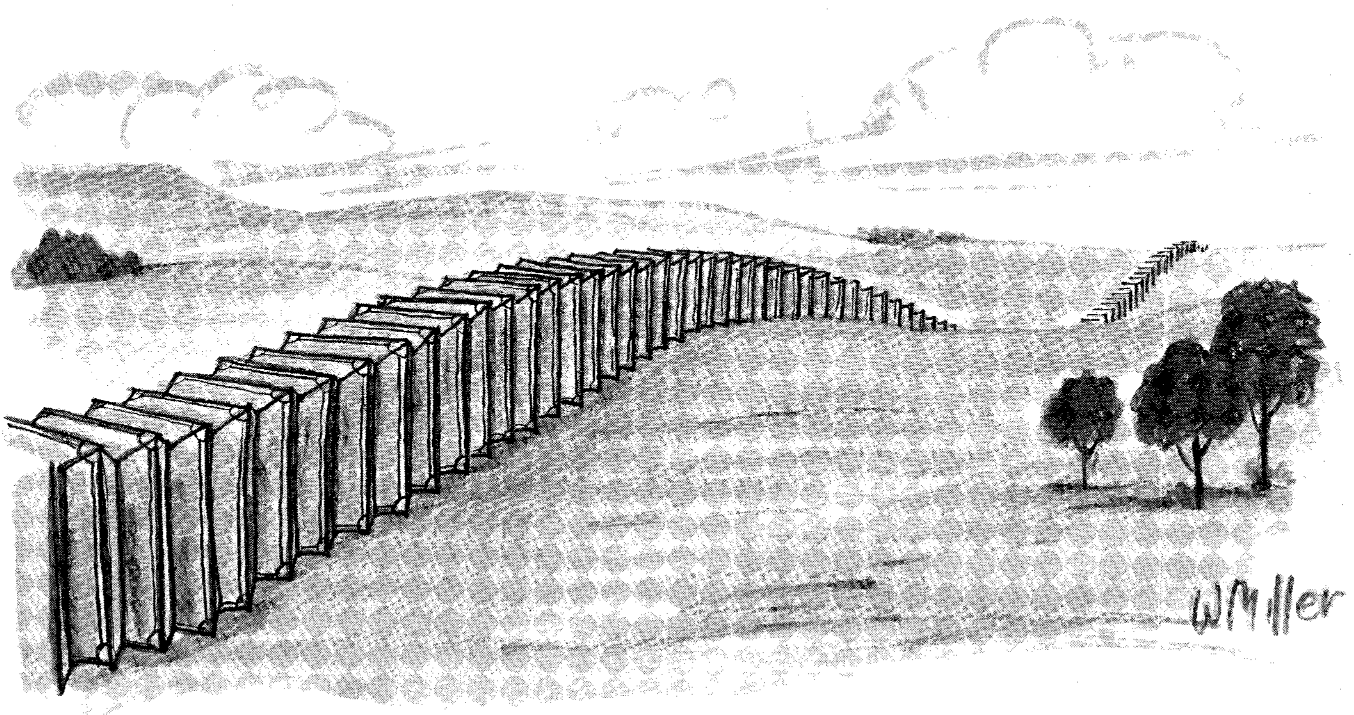

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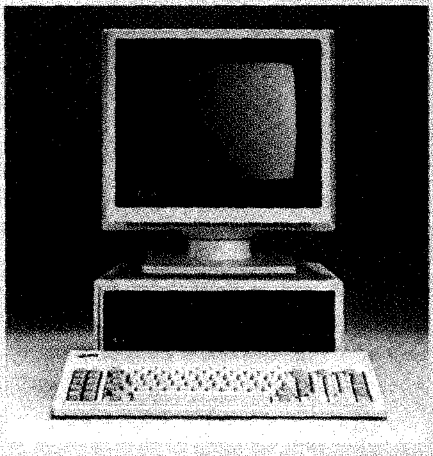

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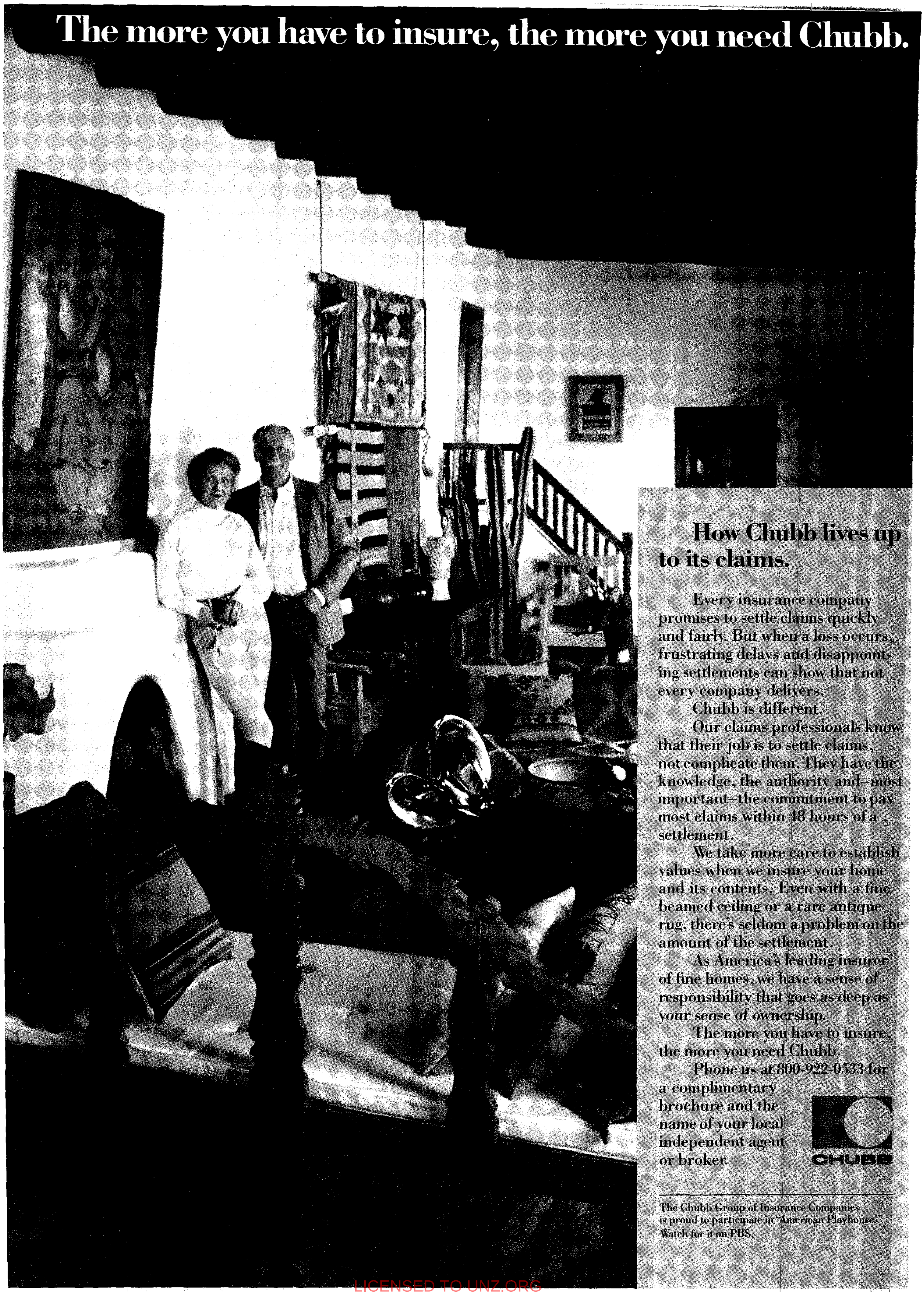

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LETTER FROM EUROPE

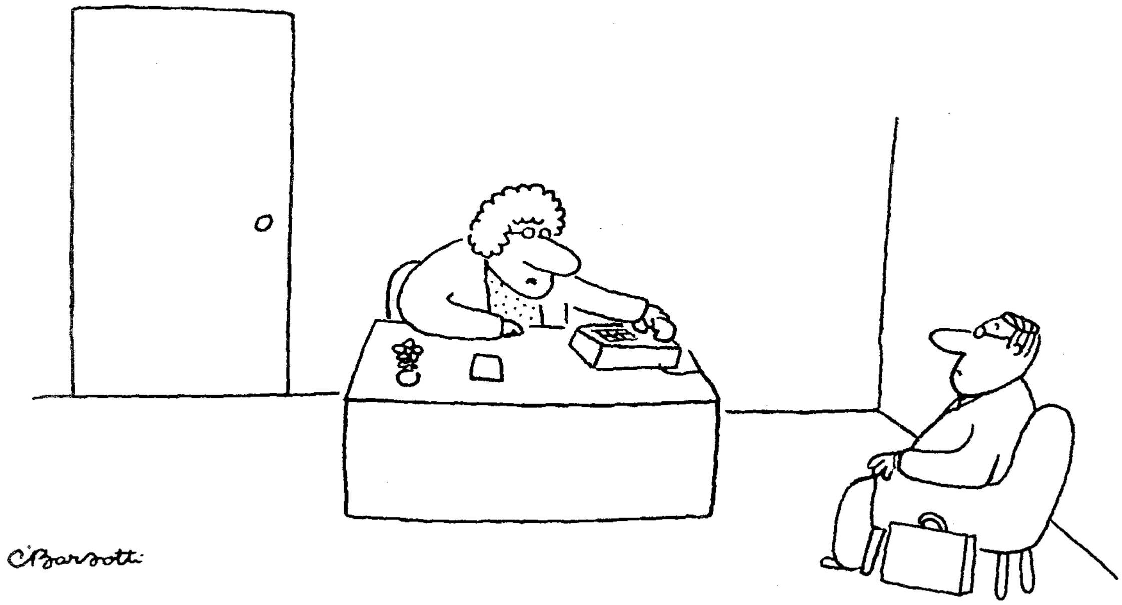
PARIS, JUNE 13

THERE were elections in Italy last month, and a lot of Italians working here went home to vote. The two plumbers on my street took the train to their village in Puglia. The tiny *dottore* who gives Italian lessons in the neighborhood went home to Chieti. Gae Aulenti, the architect who is turning the Gare d'Orsay, with its fine crystal-palace light, into a national museum of nineteenth-century art, went to Milan with her crew of draftsmen and designers, and so did the waiters from the Italian restaurant around the corner. Not voting is illegal in Italy. No one really knows what happens to people who forget to vote or refuse to vote or cannot get off from work to make a long trip home; the suspicion is that their absence at the polls is noted somewhere in their town records, like a bad mark in citizenship. There are more than two million Italians working in Europe outside of Italy and millions of others who commute from villages in the Mezzogiorno to work in northern factories, and all of them have to go home if they want to vote. Occasionally, someone gets up in the parliament in Montecitorio and says that absentee ballots might be a good thing for Italy, but that is as far as it ever goes. Most Italians are surprised to discover that people from other countries vote by mail when they have to. Italians prefer to *go* home. To accommodate them, the government prints some money and uses it to pay the fare (or part of it) of anyone who wants to personally drop his ballot into a wooden ballot box in the classroom where in all likelihood he learned to read and write.

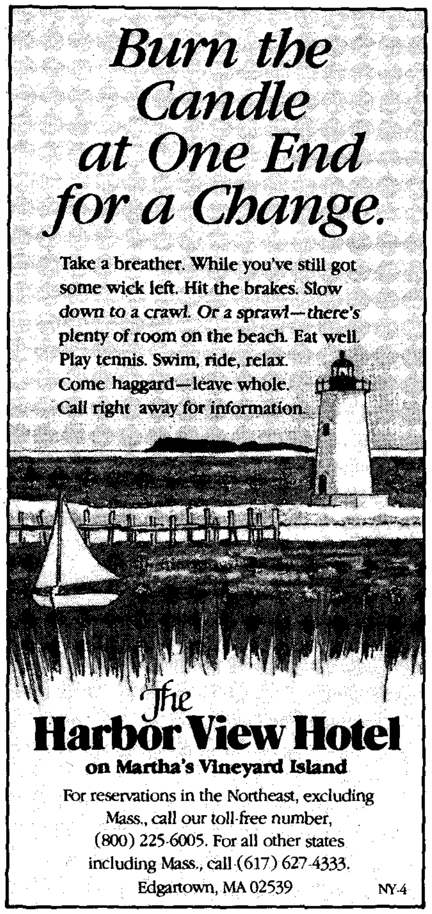
I watched the elections in a little Tuscan town called Castellina-in-Chianti. There is not much unemployment in Tuscany. Not many Castellinans had to come home from factories in, say, Södertälje or Hamburg, but, even so, the biggest posters in town were not the campaign posters or the party lists—they were the government's travel-reimbursement charts. Voting in Italy begins on Sunday and runs through Monday morning, so that people at home can take a half day off from work and feel that they have got the better of the government, whoever wins. And the government will pay for a round-trip second-class train ticket or boat ticket for anybody working abroad (or for sixty-three per cent of a ticket for anybody working in Italy but away from home), provided that the trip begins before Monday and ends after Sunday—provided, in other words, that whoever makes the trip is actually around for the elections, and does not simply take his ticket and cash it in or use it for a summer vacation or a February ski holiday. Fifteen Castellinans were expected home from abroad to vote, and only one of them came, but there was still a lot of traffic through the town. The stationmaster reported that all the Neapolitans who worked at Big Blu, the local swimming-pool-and-stadium company, had caught the Friday *rapido*, and one of the mayor's two sons—a young man named Marco, who runs a combination shoe-and-antique store outside Lugano—said that traffic was backed up all the way into Switzerland because of Italian *Gastarbeiter* heading south. There is always a discussion in Castellina on election days about why Italian workers will get in a car or a train and travel for days to vote for a new town or provincial council, but the one thing everybody agrees on is that politics has very little to do with it. The men say that elections are an excuse—an excuse to see your friends and show off your new clothes and your new car and maybe have a holiday. The women say the men come home for their mothers' spaghetti.

Castellina has had a Communist town council—and thus a Communist mayor—for forty years, and no one, including the Christian Democratic candidates, thought the Castellinans were about to change. Whatever interest there was in the voting this year had to do with the fact that Italy's ruling coalition of Socialists, Christian Democrats, Republicans, Liberals, and Social Democrats—its forty-fourth government since the war—had lasted nearly two years, and the stability, such as it was, was making people nervous. In Castellina, they talked earnestly about the *instability* of the arrangement. They said that having a government in power for twenty-two months with no terrible crises and no votes of confidence meant that Italy was behaving peculiarly, and that it was time for citizens to get involved.

Castellina is one of four communes in the Chianti Mountains. About seven hundred people live in the village itself, and eighteen hundred more live in the country and in *frazioni*—hamlets—around the village and hardly ever see one another except on voting days. The mayor, Marcello Cappelletti, who owns a shoe store in the village, says that there is not much of a collective spirit in Castellina. Communists there would never think of putting their land together or of pooling their produce and making coöperatives, the way they do in places like Emilia-Romagna, where the Party's big Po Valley farms are. There were



"Rambo will see you now."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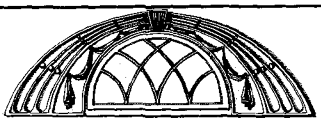
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five thousand people in Castellina before the war, and as soon as it ended half of them simply agreed that there was no future for them there—and got on the train and went to work in mines in Switzerland or Belgium and were rarely heard from again. The peasants who stayed were *mezzadri*—sharecroppers for one of the Chianti vineyards or attached to a rich farmer who owned their houses and barns and paid for half their grain and livestock in return for half of whatever they produced. By the time sharecropping was abolished, in 1964, some of those peasants had left, too. They went to the town of Poggibonsi, close to home, where a lot of furniture factories were waiting for Italy's postwar economic miracle to begin so that Italians could put their money into bedroom sets and veneer sideboards.

In time, most of the Castellinans who were not in Poggibonsi making furniture were farming on their own, or were on salary at one of the twenty family vineyards that were still around, or were working for the Niccolai brothers' fodder mills and granaries. The Niccolai brothers, Franco and Giovanni, were Castellina's own economic miracle. Their father was a carpenter who married a tailor's daughter, opened a store, and started selling bread and, in a few years, flour, and eventually decided to make his own flour. There are so many Niccolai silos in Castellina now that the last few have actually edged into the main street, and you have to circle round them to get to church or to the village square.

Castellina was a beautiful village before the brothers made it prosperous with their salmon-colored silos, thrown up like fortifications of the town wall. The wall itself was started by Lombards more than a thousand years ago, and the town hall was originally a wall tower. When the Guelfs took Castellina for Florence, they turned the tower into a fortress and used it to fight the Sienese. Villagers with houses from Castellina's fortress days—houses built into the wall—can literally seal themselves off in wartime. In 1944, when the Germans were retreating through Tuscany and taking every Italian male they could find for labor camps in Germany, Castellinans hid in attics and in tunnels along the wall, and the Germans never found them. The man who was mayor of Castellina then hid some of them. His name is Giovanni Falassi, and he still lives in Castellina, in one of those ancient houses—an old don with a white mustache who seems to have a piece of every deal in town. He was not, the Castellinans say, "one of the big bad Fascists," like the Fascists nine miles away in Montemaggio, who rounded up nineteen local partisans toward the end of the war and killed them. Castellina was one of the first towns in Italy with a Fascist Party. The Party arrived in 1921, when the town was run by Socialists, and over the years people must have got used to it, because in 1944, when the "big bad Fascists" in Tuscany were shot, the Mayor simply walked out of his office and turned his attention to gas-station concessions and real estate and vineyards. His wife took over the church choir. The Falassis, in turn, have had to get used to the Communists, the way people in Bologna did. Communists do not distress them anymore. They are more distressed by having a Polish Pope in the Vatican. It does not matter to the old mayor that the Pope shares many of his views. Signor Falassi complains about the Pope because, to his mind, the Pope considers Italy "just another country, and not Peter's seat," and consequently does not pay enough attention to it. He says that an Italian Pope would never have made the concordat that John Paul II made this year with Bettino Craxi, the Socialist Prime Minister. It was the first new treaty between Italy and the Holy See since Mussolini's concordat with Pope Pius XI in 1929, and it disestablished the Catholic Church in Italy by taking away state salaries from the clergy. (Signor Falassi prefers to say that it condemned the priests to "living on the charity of their congregations"—which is, of course, the way they live in other countries.) Catholics like the old mayor do not have much confidence in the piety of countrymen who in the course of a few years have voted to legalize abortion and divorce and, according to the new concordat, will now be able to keep their children out of the religion classes that used to be obligatory in the public schools. They say that Italy needs an Italian Pope to get its people back in line, but when Signor Falassi looked at the list of cardinals John Paul II had just appointed and saw that only five out of twenty-eight were Italian (and one of the five an old sociologist-priest with no vote in papal conclaves) he shook his head and made some calculations and figured that it would be two hundred years before there was another Italian in the Vatican.

Mauro Neri, who ran for mayor last month on the Christian Democratic list, has a drygoods store on Castellina's main street, not far from Marcello Cappelletti's shoe store. It is piled with socks and slacks and underwear and with the kind of flowered housecoats that Italian peasant women wear, and Signora Neri works above the shop, making shirts for important customers, like Falassi. Neri himself is an important man in the province. He is on the Christian Democrats' provincial council, and has favors, and even jobs, for friends at his disposal. Inasmuch as he can call the elections in Castellina and rarely be off by more than ten votes, it is clear to everyone that Signor Neri knows exactly who those friends are. There are four priests in the commune, and he thinks it would have been appropriate for at least one of them to use the last Sunday sermon before the elections to tell whoever was in church—not many Castellinans were—to vote Christian Democratic. The fact that the priests (as far as he knows) did not has confirmed his suspicion that priests these days are merely "the official performers of divine services," and not much use for politics. Neri himself came to politics from a group called Catholic Action. He is a fervent Catholic, but he says that if the Church wants support from Catholic politicians for *its* causes—the Christian Democratic Party campaigned obediently against abortion and divorce, and lost voters because of it—then the Church has to support those politicians from its pulpits and offer more than an occasional papal speech about governments of "Christian inspiration." The Christian Democratic Party always had its churches, the way the Communists had their cells, and he does not know what to make of a Pope who never consults the Party bosses and treats Italian politics like a spaghetti Western instead of like the sophisticated protection racket it is.

MARCELLO CAPPELLETTI, being a Communist, has much less trouble with the Church than the Catholics in Castellina do. The Mayor likes to remind people that most Italian Communists go to church—or, at least, the wives and mothers of most Italian Communists go to

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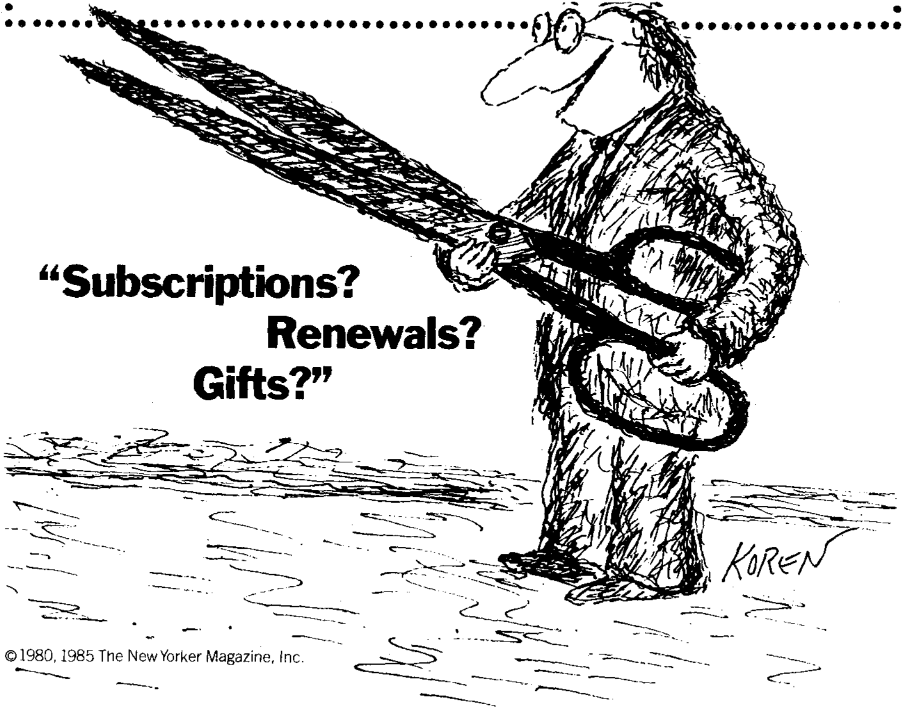
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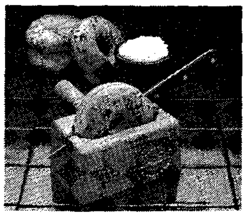

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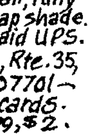

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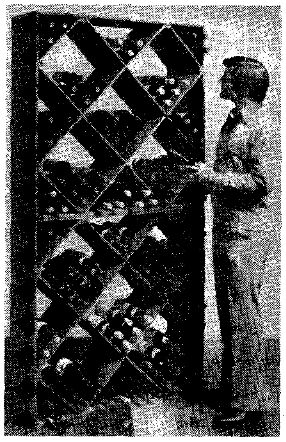
church—and that even Enrico Berlinguer, who died last year after twelve years as Party Secretary, was a nobleman with a Catholic wife. He says that, at any rate, it is always easier to get along with the Church if you are a Communist, *because then the Church* expects nothing from you. The Mayor does not have much to do with the village priest, who, according to a lot of people in Castellina, performs his divine services as fast as possible and then hides out for fear that someone might see him and ask him to do something useful, but he is an old friend of the parish priest in one of the valley *frazioni*. He and Signora Cappelletti take two or three weeks every summer and join the priest—his name is Don Dino—on trips he organizes to exotic places like the Rhine valley and Barcelona.

The Mayor was born in Castellina. He was sixteen when the Germans came through town on their retreat, and inasmuch as no one hid him he was captured and put on a truck for Germany, and he figures he would have died in Germany if he hadn't shut his eyes and jumped off at a bend in the road, somewhere near Bologna. He managed to get to Florence for the liberation. He joined the Communist Party when he got home. He is in his fifties now, a cheerful paterfamilias in a new white villa with a view out over the farms and vineyards of the valley, not far from the Niccolai house. It is a sunny place, full of country pottery and books and low, pale couches—not at all like the old, dark houses, with their massive furniture and velvet chairs, where the important Christian Democrats in Castellina live. The Mayor built his villa a couple of years ago, and planted roses, and he spends his free time looking after them or playing with his granddaughter. It is hard to see him there, dressed in a pair of gray flannels and a V-necked pullover, and then to imagine him sitting at a cobbler's bench mending shoes, which is what he used to do. The Cappelletti shoemaker's shop has been a "shoe boutique" for twenty years now, but Marcello kept on fixing soles and carving heels for people in Castellina until 1981, when the town council elected him mayor for the first time. The shoes and belts and pocketbooks that his wife picks out and sells at Cappelletti's now are chic by village standards, and the old mayor likes to say that the Communists in Castellina must be a little uneasy with this new mayor of theirs, who can build himself



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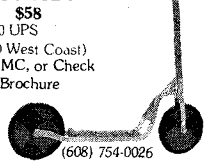

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a fine villa and a fine shop, and even set up a son in business near Lugano. In fact, it is only the old mayor who is uneasy. He prefers Communists who stay in character, like the *contadino* called Gino Tattini, who became the boss of Castellina after the war and was mayor for twenty-seven years and always prefaced the advice he gave in the town council by saying, "Excuse me, I'm only a dumb peasant, but . . ." This gave the local bourgeoisie a chance to answer, "Yes, but what a lot of common sense you have."

The fact is that there is no such thing as a typical Italian Communist. If Berlinguer was a nobleman and the Mayor of Castellina is a cobbler, then it is fair to add that the first Communist mayor of Rome was an art historian and that Alessandro Natta, who took over the Party after Berlinguer died, is a butcher's son who worked hard and went to the Scuola Normale in Pisa, which is a kind of Italian version of the École Normale Supérieure here in Paris. People say it was because of Natta's being "typical"—by which they mean boring—that the Communists lost ground in May. They lost Turin and Rome, and their margin in a lot of the towns and provinces they do control is weaker now—but not because of a record of bad government or corrupt government, or even ideological government. What bothers Italians about the Party is simply the possibility of its running Italy. No one wants that. Not even the Communists do. Communists in Italy these days think more about their *scala mobile*—which is the cost-of-living adjustment in their salaries—and their next cars and their houses on the Adriatic than they do about Marx. They are a prosperous working class that just a few years ago was a peasantry out of the *miseria* of Italian folklore. The Party, for most of them, has been a sort of *gran padrone*, just as the Church was once a *gran padrone* for the Christian Democrats. In a way, they have struck a deal with the country: power in nearly half of Italy's eight thousand communes in exchange for fairly good government. They offered a respite from corruption during the twenty or thirty years when they were too new to power to be noticeably corrupt themselves. If they lost some in the elections now, it was as much as anything a case of Italy's assuring them (and itself) that they would not have to ask for a crack at running the country and get everybody else in the West upset about NATO and the Com-

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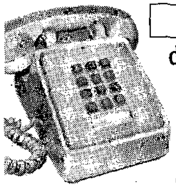

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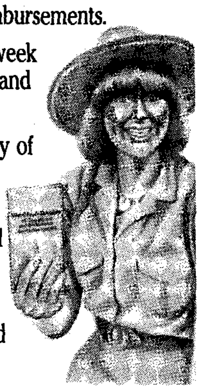

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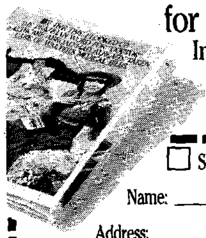

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mon Market. It was also a way of sparing them the attentions of the Russians, not to mention of the old ideologues in factory cells in Turin and Milan who still hang pictures of Stalin in their locker rooms and go on charter flights to Moscow to look at Lenin in his glass sarcophagus while Communist mayors like Marcello Cappelletti are on vacation in Barcelona with the local priest.

In Castellina, the fact that the old mayor complains about his maid's long vacations at the beach and the new mayor says that maids have as much right to long vacations at the beach as everybody else does not really make an argument. Vacations at the beach are precisely what no one in Italy wants to sacrifice—neither old Fascists nor middle-aged Communists nor the parish priests who organize them. Italy has got used to a way of life it cannot afford: a month of paid vacation a year, plus a slew of holidays; fourteen months of salary every year if you work in agriculture, thirteen months if you work in a factory. And nobody worries about it anymore except the economists, because the Italians have heard so much about their national genius for making do that they finally believe in it.

The way to tell the Christian Democrats from the Communists on Election Sunday *in Castellina was that the* Christian Democrats were dressed up in blazers and ties and sunglasses and standing in a group in front of the Circolo Italia, which is a bar the Niccolai brothers built and is considered the "Catholic" café. There are young Communists who go to the Circolo Italia, because the ice cream is better there than at the Communist café, the Circolo Sangallo, and because the place is bigger—good for hanging out—and the soccer scores are always posted. Strangers tend to stop at the Italia. On Election Sunday, ten middle-aged men from a bicycle club in Zurich were at the bar, sweating in their bright-blue nylon bodysuits and *drinking beer, and comparing the bikes* on which they had spent the week racing up and down the Chianti Mountains. No one had told them that Italy was having elections. They thought that the whispered discussion among the men in blazers and sunglasses had something to do with Ronald Reagan's trip to Bitburg or with the Pope's new cardinals or with the condition of Tuscany's olive trees after the worst winter in anybody's memory. Sunday in Italy is still the day the men go out and the women stay home. Men are supposed to stand around or sit in a café, making desultory conversation and playing *briscola* and occasionally wondering out loud what dinner is going to be. Marcello Cappelletti stays home on Sundays, and is considered odd for it, like the husbands in American movies. He used to go out, but that was years ago, when he was first elected to the town council. There were no cheerful villas then for people like the Cappellettis. There were no television sets in Castellina, no movies—nothing for a lively young man to do but join the Communist Party, *no place for him to get together* with friends and have a good time but the Party café and the Party headquarters, no way to get ahead but politics. Marcello Cappelletti's great-grandfather was a woodcutter in the mountains. Marcello himself quit school at eleven and at thirteen went to work, and while he wanted to be mayor, and his friends wanted him to be mayor, and even the Christian Democrats didn't seem to mind, it was years before he could afford the time.

It is the custom in Castellina for people to live together in a family house, the way they did when nearly everyone was poor. The Niccolai *brothers are in their sixties, and they* still live together, with their wives and children and, lately, their children's families. In Castellina, that is the appropriate arrangement. The stationmaster, taking a walk on Election Sunday, looked down at the big white house in the valley where all the Niccolais live and put it this way: "If they didn't live together, people would think they didn't get along." He said that the brothers had been making money together for so many years that by now it was impossible for them to know exactly whose money it was—that they could never separate themselves or their fortunes, even if they wanted to. Provincial Italy does not change habits as easily as it changes politics. Italy's habits have to do with that national genius for making do; its politics do not, and Italians know it. The old mayor keeps a room ready for *his* son, Alessandro, who is a professor in Siena and writes books about folklore, and even spends part of every year teaching in Los Angeles, California. Whenever the Professore comes home (everybody calls him Professore), he moves right into his parents' house and takes up the filial courtesies of an Italian child. The new mayor also has a son at home. His name is Mario, and he has a technical-college degree in chemistry and works for Big Blu. A couple of years ago, Mario was in Florence and met a lawyer's daughter from Chicago, and as soon as they got married they moved into an apartment the Mayor had built for them on the second floor. This year, they bought the ruin of an old barn on a hillside in Radda-in-Chianti and—"just like Americans," people in Castellina said—started to restore it. They talk about moving to the barn with their little girl, but Mario's wife, Claire, says that no one in the village believes they will. The villagers think of the ruin as Claire Cappelletti's country house, because it is, after all, twenty minutes' drive from Castellina. They assume that the younger Cappellettis will simply pack the car and use it on weekends. Having a beautiful American daughter-in-law has given the Mayor a certain cachet in Castellina. He and his wife and eight other Cappellettis went to Chicago for the wedding, which was a big German-Irish wedding, and the Mayor likes to talk about how the family nearly had to leave without him, because none of the Communists in town knew that a Communist mayor could have trouble getting a visa for America.

THERE is a bit of commedia dell'arte in elections in any small Italian town. All the stock characters come out of the folklore and take their places and look their parts—much more than they do when there is nothing special going on to inspire them. In Castellina last month, the Maresciallo dei Carabinieri sat behind his desk (and under a cross) at the garrison wearing his black dress uniform, with its red trim and silver braid and its stripes and medals, and dispatching the four young carabinieri in his charge on what he called "the sacrificial service of safeguarding the democratic process." He arrived at four on Saturday afternoon, when Castellina's ballot boxes were carried under guard to the two schoolhouses, and stayed with hardly a break till two on Tuesday afternoon, when the ballots were carried to Siena. There was a procession of sorts to the schoolhouses. Each of Castellina's four election "presidents" led a little march from the schoolhouse gate to the classroom where his hamlet would vote,

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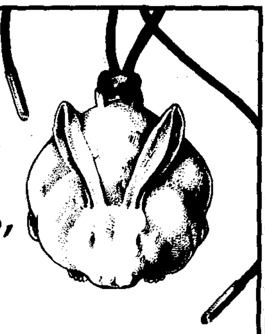

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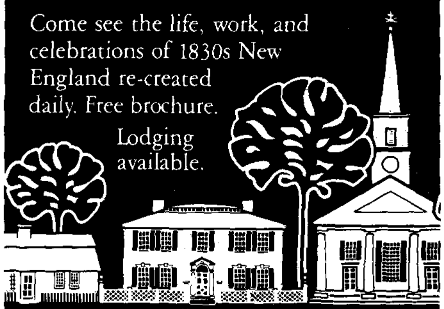

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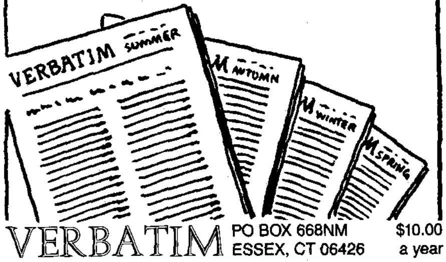

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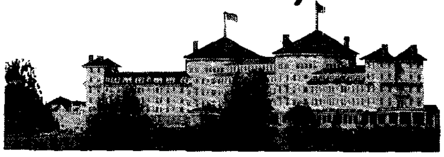
The Language Quarterly

followed by his "vice-president," his "secretary," one carabiniere, one policeman, and observers from the Communist Party and the Christian Democrats. It was a serious occasion, except that the key to one of the schoolhouse gates had disappeared and no one could find it, and the Mayor, who was at home babysitting, had to send to the town hall for someone who could pick the lock. The Professore was president for one hamlet. He had two hundred and sixty-seven voters to attend to, and, accordingly, he arrived on Saturday from Siena in a pin-striped suit and funeral shoes, and a dark tie that he never loosened as he counted ballots and recorded votes and distributed his six official indelible pencils and, in general, kept a proper tone, so that people did not start shouting in the voting booths or put their colored ballots in the wrong boxes. He said later that elections used to be livelier back in the fifties, when everyone voted in his own hamlet. People made a big day of elections then. The grade school in the Professore's hamlet was always full of people, and there was bread and wine and salami on the desks, and the people sat around eating and drinking and having a terrific time and—when they thought of it—voting. It was clear to the Professore even then that there was something irregular about a peasant wandering into a voting booth with his ballots in one hand, a bottle of Chianti in the other, and a salami sandwich under his arm. When the Professore took over the elections, he and the peasants arrived at a solution: the bread and wine and salami were put on the windowsill, and the window was opened, and people who had voted could go outside and take their food and not have to interrupt their conversations. Nobody eats or drinks at elections now that they are held in the village. The Professore's classroom this year was as solemn as his shoes. Mario Cappelletti, who was his secretary, checked off voters in a big ledger, and the Castellina bus driver who was his vice-president saw to the ballot boxes, and everybody else kept quiet. Villagers out on their Sunday-morning walk would stop sometimes at the schoolhouse gate, hoping to get a look at some Castellina celebrity—a Niccolai brother, perhaps, or Lapo Mazzei, the banker whose ancestor they all believe helped out Thomas Jefferson with the American Declaration of Independence, or the Principessa Eleonora Ruspoli-Berlingeri, who has a big vineyard in the

The Lady



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valley and bottles Chianti Classico. In the old days, the Principessa would come to the polls in style. Her game warden would enter the schoolhouse in his uniform and announce her, and then she would sweep to the head of the line while the *contadini*—some of them hers and all of them good Communists—parted and bowed and murmured their respects. When the Professore took over the voting in the hamlet, he told the peasants that they were not behaving democratically—that in a democracy everybody took his turn. After that, the Principessa stood in line, and had a good time talking, but the *contadini* were embarrassed and confused, and told the Professore that it was just not right for Eleonora Ruspoli to be standing in line with peasants like themselves. Now the Principessa calls ahead, and comes to the school when there is no one around to embarrass.

There are 2,106 eligible voters in Castellina, and 1,986 of them voted. It was a fine turnout, people said, even if a quarter of the local ballots did have to be disqualified for one reason or another, and the peasants were so dazzled by the regional ballot, which had eleven party lists on it—including the Tuscany Greens and the Pensioners' Alliance—that some of them forgot to choose one. Once the votes were counted, Marcello Cappelletti went back to his shoe store and Mauro Neri went back to his drygoods store and Alessandro Falassi, the Professore, changed into a pair of jeans and thought about driving to Pisa to meet a girlfriend who was flying in from Los Angeles. By Wednesday morning, Castellina had a bus driver again, and Big Blu had a chemist. The train that brought the Neapolitans back to Big Blu and Molini Niccolai was filled with men on their way back to their jobs in factories in Germany and Switzerland and Sweden. The stationmaster could tell by the size and shape of a shirt collar or the cut of a pair of pants exactly where those factories were.

—JANE KRAMER

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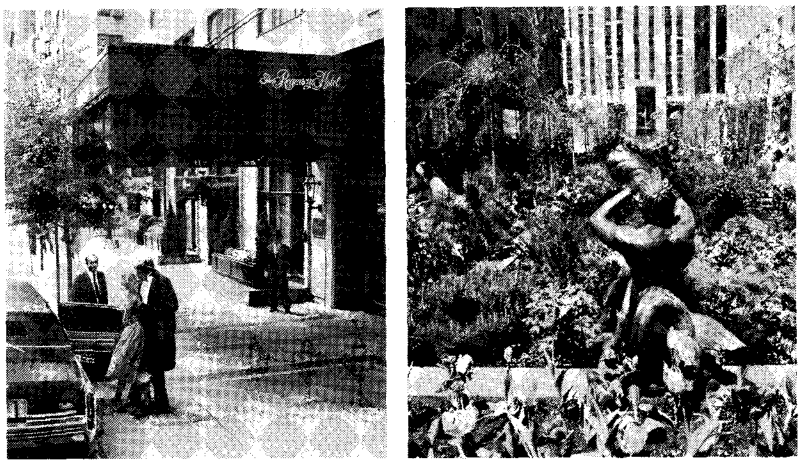

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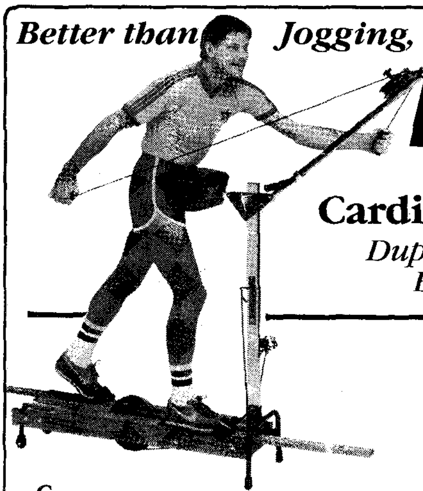

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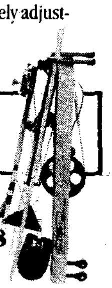

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DANCING

Singular Sensations

GEN HORIUCHI holds his leg up in second on the stage of the State Theatre and starts turning. You look at the fully extended leg; it has the impact of a fully extended finger. Horiuchi, the shortest dancer in New York City Ballet—the man who does miniature grands battements and miniature grands jetés—is in the midst of his miniature grande pirouette. After about five or six turns, he whips the leg in and turns some more, on momentum—seven, eight, nine, *ten*, and he keeps on going. The pirouette is perfectly centered and balanced; when he finally finishes, braking to a smooth halt in fourth, arms flung wide, a big grin on his uptilted face, the audience roars. You might want to roar right along, but though you've seen the pirouette you haven't felt it; none of its force has reached you. Horiuchi's feat, like all his dancing, has no power of kinetic transference—it is purely visual. At five feet two inches, he's the Mighty Mouse of the company—not only its shortest dancer but its most glibly proficient. Horiuchi can sustain longer virtuosic sequences with less evident strain than anybody else, except maybe Ib Andersen. Yet he's inarticulate. Steps pour out and evaporate. Seconds after a Horiuchi performance, it's hard to remember anything about it but quantity—the number of turns or jumps or beats. It's hard to care that Mighty Mouse, who has just been promoted to soloist, may have already set the house record in turns.

Audiences love small, gutsy dancers, and they love male dancers who look like children. Horiuchi looks like the doughty lad he really must be. Trained by his father in Tokyo, he was fifteen when he won the Prix de Lausanne, seventeen when he got into New York City Ballet, in 1982. Yet he never dances as if he were the underdog out to prove himself, and until his latest role, made for him by Peter Martins, he didn't try to win us with his adorableness. He just danced, with that phenomenal fluency of his and that dismaying lack of scale and weight and consequence. Martins may be trying to break up the gnatlike monotony of Horiuchi's dancing by giving him a lot of quirky, amusing, individual things to do and seeing to it that he shines out in competition with two other young dancers, Peter Boal and Michael Byars. (The ballet is a trio for boys, a male counterpart of the trio for girls that Martins made some years ago and named "Eight Easy Pieces," after the piano scores by Stravinsky. The new trio uses the same music, orchestrated, and is called "Eight More.") Boal and Byars are also slightly built, but they seem to tower over Horiuchi, and not just because they're taller. Their bodies are classically proportioned; they can produce the long lines of classical ballet. And though Horiuchi can't produce those lines, the fact that he can parody them appears to fascinate Martins. The antic bits written into Horiuchi's role are a parallel to his dancing: they're a parody of humor. The jokes are the obvious kind—pretending to fall, pretending to collide with the others or with the proscenium—that Horiuchi, with his lack of spontaneity, can pull; but that doesn't make him a comic. And the easy advantage he's given over Boal and Byars is unfair to two genuinely accomplished dancers. As "the little guy," Horiuchi is an audience pet no matter what he does. He is something the company has never had before—a specialty act. If he poses a challenge to a choreographer, it is unmet in "Eight More." Martins just takes the occasion to endorse audience favoritism.

I used to blame Horiuchi's tonelessness on his size. If he were bigger and encountered more resistance from the space he moved through, maybe his maddening proficiency would look more like virtuosity. He's so little and limber he seems to slip through the air on overgreased joints. But Horiuchi's dancing is unreal because in addition to being tiny it's divorced from any visible imaginative impulse. Horiuchi is effective in the toy world of "The Nutcracker," and in the third movement of "Stars and Stripes"—a role that calls for unmodulated fortissimo stuntwork—he's very good and very funny. The qualities that serve him here

"Do I detect a hint of depression?"

cut him off from the repertory at large.

Mel Tomlinson, who also dances in a vacuum, is Horiuchi's opposite in every way. He's tall—over six feet. He has a skimpy technique, which he compensates for by fine-tuning his presence and looking emotionally fraught. With his snaky, wire-taut musculature, he exaggerates the dynamics that Horiuchi leaves out. He's all texture; every move, though it be nothing more than the twitch of an eyebrow, reverberates. Well, this is technique of a sort. Trouble is, it doesn't go far in New York City Ballet repertory. Tomlinson, who joined the company about the same time as Horiuchi, is almost as isolated. And he gives closed performances filled with cherished, memorized effects, all quite as bad as, and very similar to, the singsong rotework of Horiuchi. Tomlinson came from Dance Theatre of Harlem, and so far the biggest roles he dances are the two that he used to perform with that company—"Agon" (Pas de Deux) and "The Four Temperaments" (Phlegmatic Variation). He does an assortment of character roles, the latest being Kastchei in "Firebird" and Death in "La Valse" (to which he brings his penchant for evil guises) and Theseus in "A Midsummer Night's Dream" (to which he brings some decorative postures). As with Horiuchi and those perennial guest artists the Kozlovs, one feels he's being cast not so much because he's right for a role as because he's under contract and needs something to do. The Kozlovs, despite one or two individual successes (hers in "Liebeslieder Walzer," his Ivan in "Firebird"), are as far as they ever were from assimilating the company style. In certain Balanchine ballets—"Symphony in C" and "Swan Lake"—they even negate it. But at least they have a style of their own, and their dancing gives us something to look at. Horiuchi and Tomlinson represent nothing so reasonable as an alien or alternative style. The whole insular, bizarre operation they're being indulged in is anti-style and decadent at its core. It represents the separation of personality from performance.

As long as Christopher d'Amboise is given roles like Oberon in "A Midsummer Night's Dream," there will be some justification for Leonid Kozlov. Not that Kozlov could do Oberon; his Bolshoi technique is all wrong for the role. But so is d'Amboise's all-American slapdash technique. In terms of company style, d'Amboise, who was brought up in the School of American Ballet, is as much an alien as Kozlov. Balanchine would often cast dancers against type, hoping to stretch them. As a stretcher for d'Amboise, Oberon is more like a torture rack. The role, created for Edward Villella, is one of the climactic attainments of Balanchine style for men. The fact that so far it has eluded every one of Villella's successors is a judgment not on its intractability but on the failure of the company to breed dancers who are up to its demands. What's hard about Oberon? It requires a dancer who can combine noble bearing with infernal speed. As a classical (not a character) role, it is the equivalent of Balanchine's great innovative roles for women—roles that put American ballerinas in the forefront of twentieth-century dance. This season, the search for Oberon seems to have been called off. We had a choice between the eye-glazing Horiuchi and the maverick d'Amboise; in other words, no choice. Both gave facile, two-dimensional renditions of the choreography; the formerly marvellous Scherzo was a succession of flat pop-up pictures (Horiuchi) or smudged sketches (d'Amboise). And both looked foolish. When Horiuchi—a full head shorter than Jean-Pierre Frohlich's Puck—went behind Titania's pink shell to push it downstage, he disappeared completely. D'Amboise's easy jump and his tap dancer's ability to cut steps at high speed got him through the part. But even if he had had the right technique he'd still have been miscast. Underneath d'Amboise's Americanism there's an authentic American spirit, which, in a becoming role (like Melancholic in "The Four Temperaments"), strikes a note of homely lyricism rare on the ballet stage. The brio of Oberon—not to mention the Greek chiton and gilt wig—is utterly foreign to such a spirit.

Because its roles allow more latitude for interpretation, "A Midsummer Night's Dream" is a more conspicuous magnifier of trends than most Balanchine ballets. This season, it was the company fever chart. The casting of Oberon wasn't the only clinker. I've mentioned Tomlinson's Theseus. There was also Frohlich's Puck, outrageously playing to the gallery. There was the surly Demetrius of Peter Frame and the hammy Lysander of

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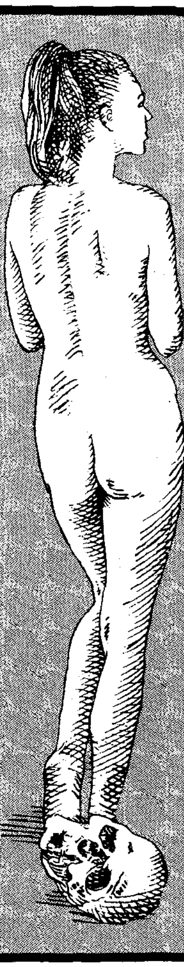
Daniel Duell. Florence Fitzgerald couldn't manage all of Hippolyta's choreography. But Fitzgerald performed honestly; it was the men who wrecked the show. And it is the male wing of the company which now threatens it with stylistic anarchy. We also saw a restrained and romantic Demetrius done by Afshin Mofid and a warmhearted Lysander by David Moore; as Puck, Victor Castelli put dancing ahead of mugging. Were they right or wrong? Is New York City Ballet to become a company like American Ballet Theatre, which has traditionally offered the wares of individual artists without requiring them to adhere to a company style? Is there in fact a double standard at N.Y.C.B. (which does not prevail at A.B.T.), permitting the men to display extremes and disparities that would never be tolerated in the women? Not long after the disastrous "Dream" performances, Baryshnikov was interviewed in the *Times* about changing directions at A.B.T. (The two companies played side by side at Lincoln Center.) He referred to Balanchine's "moral point of view toward the theatre" and said he had tried to learn from it. Ironically, the morality that is at the heart of Balanchine's style is being questioned by practices in his own company at the very moment that Ballet Theatre is becoming less eclectic artistically and more homogeneous in its presentations. The "new" Ballet Theatre, with Baryshnikov, Kenneth MacMillan, and John Taras running it, could become a livelier challenge to N.Y.C.B. than it ever has been.

With Baryshnikov relatively inactive as a dancer this season and with Patrick Bissell in a slump, the male standard at A.B.T. was upheld by Kevin McKenzie, Ross Stretton, Robert La Fosse, Johan Renvall, and Gil Boggs. The depth of casting required by the new production of "Romeo and Juliet" brought forth a number of new talents. But Ballet Theatre has never had any difficulty attracting talented male dancers, whereas N.Y.C.B. has had to contend with its reputation as a women's company. And, what with the retirement from dancing of Peter Martins and Helgi Tomasson, there aren't at the moment enough pure-water classicists among the male soloists there to act as inspirations to the young. Andersen and Castelli, Sean Lavery and Joseph Duell have been the season's heroes. Duell, who takes on straight partnering assignments and mime roles as well as a diversity of



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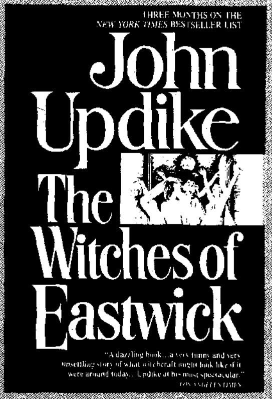

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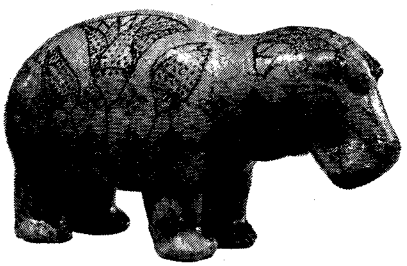

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dance roles, brings honor to the male echelon every time he sets foot on the stage. Among the newer men, David Moore has distinguished himself. He has the vernacular appeal of Christopher d'Amboise without the incongruity of appearance or style which poses problems for d'Amboise. (In type, d'Amboise resembles the Neds and Wilburs who hung out behind the auto-body shop in J. R. Williams' cartoons.) Though Moore isn't a virtuoso, he has a sensitive and supple technique and a mind that communicates itself at every moment to an audience. He happens to be the one nonexotic among the young men who are currently moving into prominence—men like Mofid and Jock Soto and Carlo Merlo and Alexandre Proia. (Boal and Byars, who are right behind this crop, are exotic in a different sense. With their identities as yet undefined, they give the impression of having been incubated in ballet studios.) Each of these men has something unique to offer, but each seems to be as diffident as he is talented. Perhaps it isn't diffidence—perhaps it's confusion. They may be looking at the disunity in the ranks just ahead and wondering what's wanted of them. The answer, of course, is where it always is: in the ballets. When Merlo danced his first performance of "Valse-Fantaisie" this season, he looked as if he didn't know what a deceptive "little" ballet it was; he ran out of steam halfway through. By the time of his last performance, he'd learned to pace himself and was beginning to develop an authoritative, even an exultant, account of one of Balanchine's trickiest roles, not unlike Oberon in its propulsion and continuity.

Merlo's ballerina in that performance, Melinda Roy, took the part for the first time and danced it with a soft strength and a large intelligibility. There is a sequence of grands battements ending in cambré poses on point; Roy filled the stage with it. Then she took off in flying pas de chat changing to low temps de flèche with a cambré crest. The connection between the two sequences—between leg gestures à terre and en l'air, between two backbends (cambré)—was clearly shown; it was a lucid demonstration of how shapes blossom from steps. As for the pas couru-grand jeté steeplechase—a test of the dancer's ability to match size with speed—I have never seen it more beautifully done. On the same program, Melinda's sister, Leslie Roy, brought a delicate incisiveness to the Valse Mélancolique of "Tchaikovsky Suite No. 3." And Merrill Ashley came on at the end, in the Theme and Variations, and performed miracles of transition in speed and shape and scale, one after the other: a breathtaking display, even for her. Yes, they are amazing, these women. I wish I felt more grateful to Martins for his "Valse Triste," in which Patricia McBride's ravening Irish looks and fluid adagio style are effectively exploited; though it's a deftly constructed dance, it leaves no clear impression as a drama. In a similarly sombre and nebulous vein, Jerome Robbins has made "In Memory of . . ." for Suzanne Farrell. Starting with last season's "Poulenc Sonata," for Kyra Nichols, and counting "Valse Triste," this is the third piece in a row made by Martins or Robbins in which the ballerina seems to be in mourning or preoccupied with some deep sorrow or inner condition. There'll be more to consider in the Robbins ballet after it has had its official première.

—ARLENE CROCE

• •

BEGINNINGS

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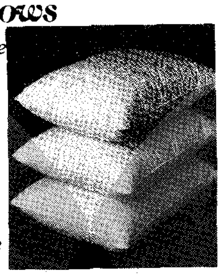
caught in the black branches and creamy mauves
of the tulip tree—and a moon that saves
itself behind the mist, light that seems less
brilliant as it softens to silver. Light
could never penetrate the dress you wore,
black below your shoulders' whiteness, whose white,
remembered, is marble laved with rain. From where

I look back, it still seems as if you'd leave
me then. That was when I fell in love.
Later, we drank Sambuca in a café—
those checkerboard tablecloths—with coffee
beans dropped in to temper the sweetness. Then
feigning chess with them: first your move, then mine.

—JOHN HARNEY



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BOOKS

Betjeman

THE last time I saw John Betjeman was a winter or two before his death, in 1984. An assorted clutch of writers, many of us the wrong side of seventy, were sitting for a group photograph in a hired studio in a snowed-up back street close to St. Pancras, his favorite Victorian Gothic railway terminus. We had been made to sit on a tier of wooden boxes covered with old sheeting, as if in a last-day-of-term picture, the Poet Laureate himself in his invalid chair in the middle of us. When, at last, Lord Snowdon had quietened us and was about to click his camera, someone called out, "Not yet! John's asleep." "No, he isn't," said Snowdon. "He's acting, as usual," and he rolled off his shots.

If the man whom the papers rightly called "the most loved and popular Poet Laureate since Tennyson" was acting, it was not as the Poet Laureate or as the conserver of Victorian architecture and the amenities of the countryside and leafy suburbia. More than half of him remained the untidy, knowing ten-year-old schoolboy—the sort of boy who would have been nicknamed "Uncle" in his time and mine: one who never outgrew the taste for comics; the worshipper of heroic locomotives (a famous one was given his name) and historic objects like Tower Bridge, electric trams, forgotten horse buses; an expert, too, in the hair oils *d'antan*. His "acting" was in a sense ventriloquial, so that he was by turns the serious architectural historian and his cheeky juvenile dummy, sitting on the knee of the master. He was a dialogue. One of his turns was to make his polite, half-innocent face split in two with a mad laugh that spread from the bold and drooping teeth to his wondering eyes. As Bevis Hillier says in his album of photographs, caricatures, and ephemera, "John Betjeman: A Life in Pictures" (John Murray; $19.95), the poet was "a classic example of arrested development"—"the wide-eyed boy," but one who was quick to acquire the very uncle-ish trait of knowing "when the Emperor was wearing no clothes." Naturally, the muffish son was the despair of a sporting and smartly successful father. ("How many times have I told you how to hold a gun! Will you never learn?")

Mr. Hillier is working on the authorized biography of the poet, and the annotations in the album are to the point. Here we see pictures of "the best part" of leafy Edwardian Highgate. Here are the sacred shopwindows of Kentish Town in 1910; those antique buses and those smoky trains; the decorous schools, the schoolmasters, noble in stiff collars, saddened by the casualty lists of 1917 that line the school hall. Here are the family "hols" in rocky Cornwall. The half-solemn boy is writing a poem, after the Campbell of "On Linden, when the sun was low," and shows it to one of his schoolmasters—the young T. S. Eliot, who says nothing except possibly his classic retort, "Meaning?" Suddenly, we see Betjeman at Oxford, whizzing into the fashionable set at Magdalen in the wild twenties of Waugh's "Brideshead" or Powell's "Dance to the Music of Time" and the reign of Harold Acton and Lord Berners. Strange to see these brainy figures in their dressy youth in full folly, and the socialite girls in their scandalous cloche hats. How "amusing" it all was, how embarrassing now, how sad! The droll wit of the poet entrances the peers. He is carried off to Irish mansions and English stately homes. He shocks by a taste for despised churches, and announces he is already "High" (omitting the word "Anglican" for schoolboy effect) and, as a poet, studiously out of date—no modernism for him. He dabbles in the Campbell of "Ye Mariners of England" or switches to the Praed (1802-39) of "My Own Araminta Say

ADVANCE SALE

"E-242 and 243 in the mezzanine! A couple riveted to their seats!"

'No,' " whom everyone has forgotten.

It is perfect that the poet failed in Divinity at Oxford and was sent down. A disgrace? A folly? Had he amused too much? No. He was in rebellion. He was going in for free-lance journalism. The only son shocked the angry father by refusing to enter the family business, and felt the guilt for the rest of his life. His confession, late in life, appears in the long autobiographical poem "Summoned by Bells." The Betjemanns—with two "n"s until 1914—were Dutch or German immigrants who came as remarkable craftsmen to London at the end of the eighteenth century, making their way up from Shoreditch. They were cabinetmakers in a luxury trade, and became rich when the grandfather invented the Tantalus—an ornate silver object in which wine and spirit decanters could be locked to prevent the servants from helping themselves. The firm was closely associated with Asprey's, the most fashionable of the Bond Street shops. One of the glittering pictures in the album is of the Betjemans' showroom in 1920:

> A world
> Of shining showrooms full of secret drawers
> And Maharajahs' dressing-cases . . .
> Why now
> When, staying in a quiet country house,
> I see an onyx ashtray of the firm,
> Or in my bedroom find the figured wood
> Of my smooth-sliding dressing-table drawers
> To have a look about them of the Works,
> Does my mind flinch so?

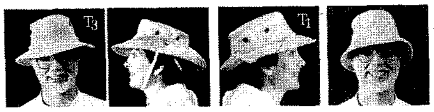
Guilt and love: he was to be another kind of skilled, traditional craftsman. The reader notices in the poem his evocation of "the firm"—a proud Victorian word. It evokes the lost sense of Victorian regard for the pride of people in their daily trade. So his town and country are peopled, seen as they were: humanly and—even when comically—with sincerity and without "side." Trade won't stand "side."

As the poet Philip Larkin wrote in an excellent essay, now published in his collection "Required Writing," Betjeman's serious approach to architecture is not simply one of eccentric dilettantism. In his poems, he is "robust and responsive . . . registering 'Dear old, bloody old England' with vivacious precision and affectionate alliteration quite beyond most social realists." His suburbia is filled by instances of private lives, diurnal habits, the comedies and the glance of passion. Betjeman's plain dialogue is as true as Hardy's, whether he is being comic or serious. He cursed only one locality: the new wasteland outside the London suburbs—"Come, friendly bombs, and fall on Slough." Slough had no intimacies; it was an unfelt chaos, neighborless, ad hoc, without style good or bad. And he had no time for the tower blocks and gigantic office buildings or factories where

> Though "music while you work" is now our wont
> It's not so nice as "Music while you don't."

As for his taste for Art Deco paraphernalia—like that Tantalus of his boyhood or that lamppost at the old railway station—he cannot help recalling some precise human lives that must have known the objects. Attendant on things are people and their intimacies. It is he who feels their humdrum joy or fate, not as a sentimentalist but as a man who has his sentiments. Everything passes.

Still, it is true he was in his imaginative and recollecting nature two things at once. A certainty as a star performer on TV, he could act in the sense of being completely himself and beautifully unembarrassed. He loved a soap opera. "Coronation Street" was common British to the marrow for him. It was typical of his peculiar genius that he was a huge success officially as a press officer at the British Legation in neutral Dublin in the Second World War, where the Irish admired his carelessness of appearance and his fits of laughter, that lack of "side." It showed up the stiffness of the Germans there. Not only that; he dabbled in Gaelic for schoolboy fun, and yet with serious poetic intent. He could match Irish fantasy. I remember meeting him in Bath during the war—what luck for him that the Navy had an establishment in a hotel (right period, too) in that superb little city. Studiously, he "took the waters." He had a job with the Navy, and I remember at eight o'clock one morning going to his office. He was "in Torpedoes," so he said. I had to go down there, as a journalist, for a story about the trawlers, or ghost ships, disguised to deceive submarines. Enter the office a trim young naval officer. The day started. Both men stood at attention, and Betjeman led off with the first line of Newbolt's "Drake's Drum"—"Drake he's in his hammock an' a thousand mile away." Taking the poem alternately, line by line, they



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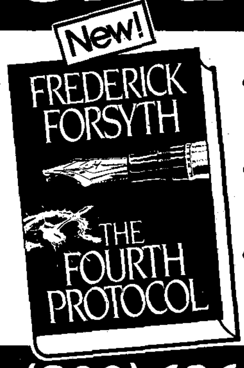

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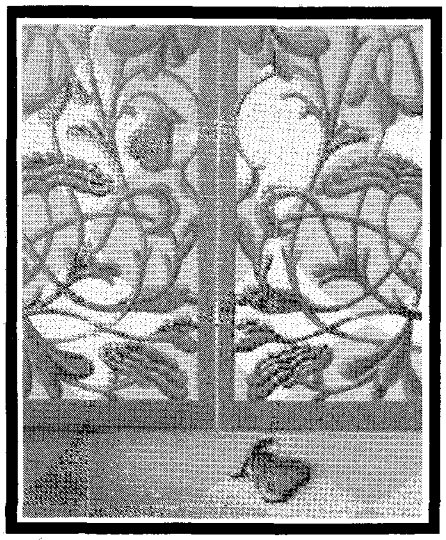
PHOEBE'S BOOK



Phoebe's mother sits at the breakfast table, crying. John Lennon has just been shot. But although Phoebe, then 16, is sympathetic, "I told her that even if that killer wasn't carrying *The Catcher in the Rye*, he'd still have murdered John Lennon. I didn't feel too bad myself because I was too young for the Beatles."

Phoebe may be too young for the Beatles, but she's old enough at 19 to make her own decisions. Old enough, as she tells her dubious parents, to decide to leave Yale for a sojourn in Paris. Old enough, as she does not tell them, to decide to bear the child with which she is unexpectedly pregnant. Old enough, as she—and we—will discover in this wonderful first novel, to meet life on her own.

The Book of Phoebe is about a generation few fiction writers have yet explored. Phoebe cracks wise but comes to wisdom, although her progress from adolescence to real maturity is as bumpy as, say, Holden Caulfield's. Who, we might do well to remember, had a kid sister by the name of Phoebe.

But *The Book of Phoebe* is no 1980s remake. Novelist Evelyn Wilde Mayerson described reading *The Book of Phoebe* as "like peeling a very funny onion." An apt and sharp observation worthy of Phoebe herself.

She's gutsy, irreverent, gallant, vulnerable. She might be your little sister, or your best friend, or your eldest daughter. Whether you're too young for the Beatles, or too old, you should meet Phoebe. You'll love her.

L. L. Day
Editor-at-Large

DOUBLEDAY publishes Mary-Ann Tirone Smith's *The Book of Phoebe*. It is available at all Doubleday Book Shops and other fine booksellers.

ran, "and with expression," through the whole of it, from Nombre Dios Bay to Plymouth Hoe. A Betjeman ritual. Perhaps on other days they turned to Campbell's "Of Nelson and the North." Betjeman had, of course, appointed himself to the roster of fire watchers in Bath Cathedral, and that night I stayed for the vigil. Earlier, I had watched him with bell ringers at a Victorian church, and there I did see the man of devout passion, in the circle of bell ringers. He heaved away at his rope, true to time, and his face was furiously transformed—like a man possessed by penance and rejoicing. I never saw him more serious. He was indeed "summoned."

Yet one is struck in his verses by the light mixing of sportive speed and elaboration of design—how he makes every object move in changing tones:

> Up the ash tree climbs the ivy,
> Up the ivy climbs the sun.

Or:

> Feathery ash, neglected elder,
> Shift the shade and make it run.

This is from "Upper Lambourne," the elegy on a horse trainer famous at his death, in 1923, for his hundred winners. And here the things of a trade and locality sing out for the dead:

> Leathery limbs of Upper Lambourne,
>   Leathery skin from sun and wind,
> Leathery breeches, spreading stables,
>   Shining saddle left behind—
> To the down the string of horses
>   Moving out of sight and mind.

The hero is immortalized as was that heroine of love and the tennis racquet in "A Subaltern's Love Song." For Betjeman, the comic and the fervent rang the changes in his life and work.

—V. S. PRITCHETT

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CLEAR DAYS ON THE NUCLEAR REGULATORY SCENE

[*From the Brattleboro* (*Vt.*) *Reformer*]

McBrien said the NRC had two meanings for the word "falsification," and that the meaning that applied to Vermont Yankee could be described as "unintended misrepresentation."

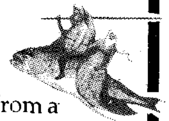
"When people hear the word falsification, they think of lying," he said. "It's a difficult thing to understand if you're a lay person."

•

(44)—Key to Rebecca (Part 1 of 2)

A profile of Washington Redskins' right tackle George Starke.—*TV listing in the Sarasota* (*Fla.*) *Herald Tribune.*

Keep tuned for Part 2: Rebecca at Sunnybrook Stadium.



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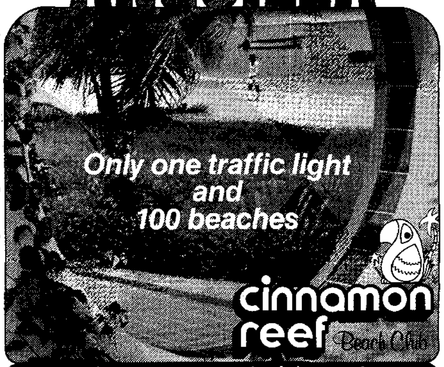

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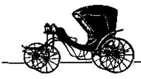

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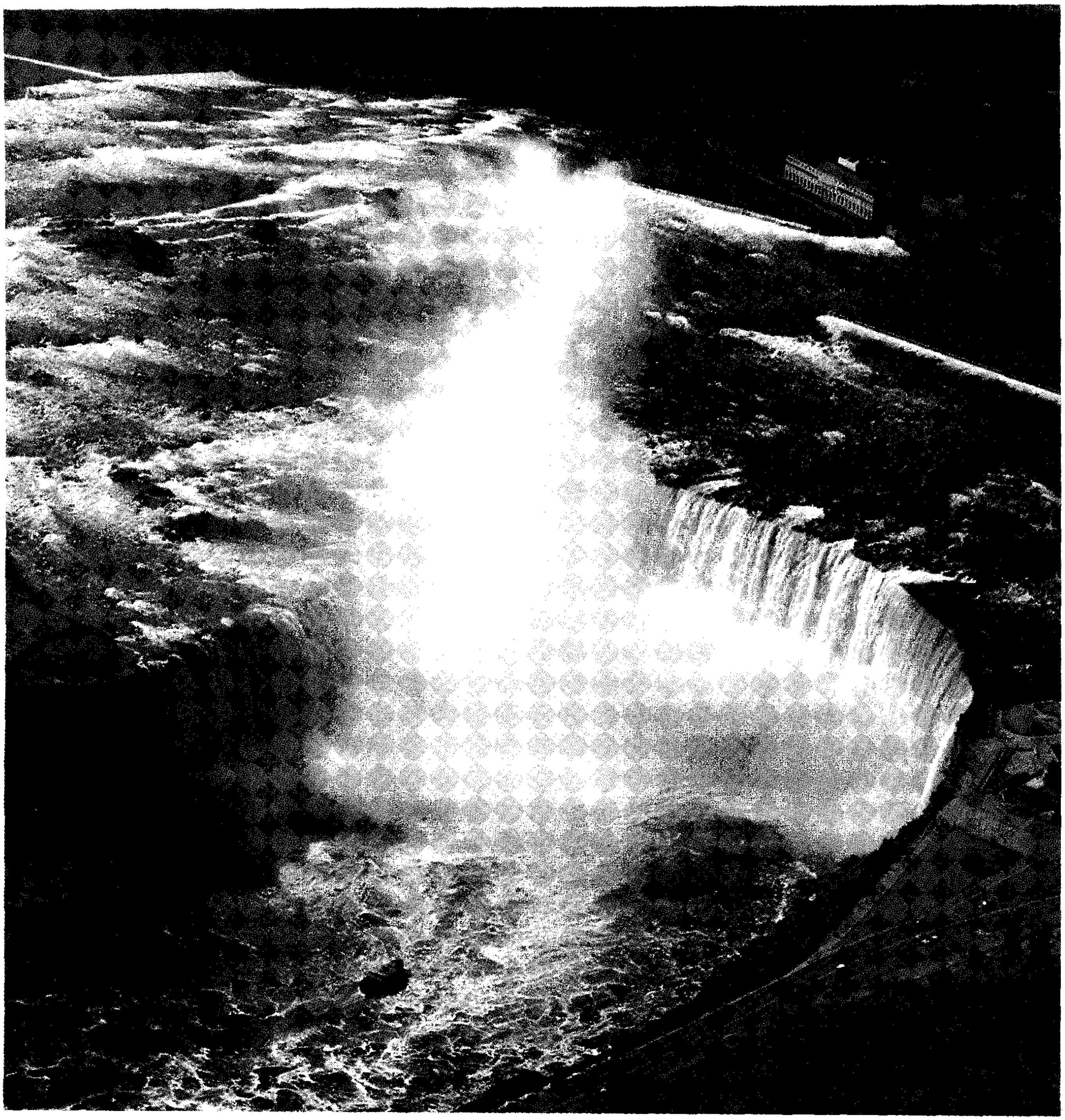

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